

# Exhibit 1

1 reconcile with the fact that you didn't know you were  
2 going to be terminated on the day that you were, in fact  
3 -- you maintain you were terminated?

4 THE WITNESS: Because I was asked to attend a  
5 meeting that Friday. After I'd been terminated, I was  
6 asked to attend a meeting that Friday with the new person  
7 to brief him.

8 MS. BERNARDO: Okay. I don't have any other  
9 questions.

10 THE INVESTIGATOR: Mr. Baratz, any questions?

11 MR. WELKER: I have no questions. Thank you.

12 THE INVESTIGATOR: I have noted --

13 (Off the record.)

14 (On the record.)

15 THE INVESTIGATOR: It is nine minutes after one  
16 o'clock. We took a 50 minute break for lunch there and  
17 we returned and we will now begin with questioning of  
18 another witness, Ginger Cruz.

19 (Whereupon,

20 GINGER CRUZ

21 was called for questioning, and after having been first  
22 duly sworn, was examined and testified as follows:)

23 EXAMINATION

24 BY THE INVESTIGATOR: Ms. Cruz, please state  
25 your full name.

1 THE WITNESS: Ginger M. Cruz.

2 THE INVESTIGATOR: And identify your race.

3 THE WITNESS: I'm an Asian American, Filipino  
4 American, specifically.

5 THE INVESTIGATOR: Your national origin?

6 THE WITNESS: United States.

7 THE INVESTIGATOR: And your sex is female,  
8 correct?

9 THE WITNESS: Female.

10 THE INVESTIGATOR: Was your employment status  
11 as of June of 2007 government employee or contractor?

12 THE WITNESS: In 2007 I was the Deputy  
13 Inspector General for Policy. I was a government  
14 employee.

15 THE INVESTIGATOR: And you said your position  
16 title. What was your grade and series?

17 THE WITNESS: SES. I believe its 2 or 3. I'm  
18 not sure.

19 THE INVESTIGATOR: And briefly describe your  
20 duties in that position.

21 THE WITNESS: I am the advisor to the Inspector  
22 General and I function in the sort of CCO capacity, if  
23 you would make a business analogy. I make a lot of the  
24 policy decisions, I maintain the day-to-day operations of  
25 the organization. I oversee the Public Affairs and

1 Congressional Affairs Divisions. I was overseeing the  
2 production of the quarterly report and providing advice  
3 to the Inspector General on audits, investigations and  
4 inspections.

5 THE INVESTIGATOR: Okay. When were you  
6 assigned to your position?

7 THE WITNESS: I originally became the deputy in  
8 2005, I believe, and had been the deputy for a while and  
9 had switched to a senior advisor position in December of  
10 2006 and was senior advisor from December of 2006 until  
11 June of 2007, when I was reinstated to a deputy position.

12 THE INVESTIGATOR: You said, like, in December  
13 of 2006 you became a senior advisor. Was that for the  
14 same organization?

15 THE WITNESS: I remained with SIGIR the entire  
16 time. I was detailed to the State Department for a brief  
17 tenure from December to January of 2006-2007, but the  
18 entire time my employment was with SIGIR.

19 THE INVESTIGATOR: Are you in the same position  
20 now?

21 THE WITNESS: I am currently the Deputy  
22 Inspector General, yes.

23 THE INVESTIGATOR: As of June 2007, with regard  
24 to your first-level supervisor, to whom you reported,  
25 what was that person's name?

1 THE WITNESS: Stuart Bowen.

2 THE INVESTIGATOR: And his position title?

3 THE WITNESS: He is the Inspector General.

4 THE INVESTIGATOR: And who is your second-level  
5 supervisor? To who was --

6 THE WITNESS: Is that the person he reports to?

7 THE INVESTIGATOR: Right.

8 THE WITNESS: He reports to the Secretary of  
9 State and the Secretary of Defense.

10 THE INVESTIGATOR: As of June 2007, what was  
11 your relationship to the Complainant during her  
12 employment?

13 THE WITNESS: I was her supervisor.

14 THE INVESTIGATOR: Okay. Her immediate  
15 supervisor?

16 THE WITNESS: Her immediate supervisor.

17 THE INVESTIGATOR: Is there anything in  
18 particular within the Complainant's testimony that you  
19 wish to respond to at this time?

20 THE WITNESS: Would you like me to go point by  
21 point?

22 THE INVESTIGATOR: Tell you what, I've got  
23 other questions, so I'll go point by point.

24 THE WITNESS: Okay.

25 THE INVESTIGATOR: Respond to the Complainant's

1 allegation that on March 2nd, 2007 Kristine Belisle, the  
2 -- let's see -- Complainant's former SIGIR deputy, at  
3 your direction, challenged the Complainant's authority.

4 THE WITNESS: If we're talking about the e-mail  
5 that we've all looked at in the previous section, there  
6 was an instance in which Kristine Belisle came to me, as  
7 the Deputy Inspector General, it was late in the evening,  
8 and informed me that the media had requested an interview  
9 with the Inspector General and that she was unable to  
10 reach Ms. Burgess and she felt that there was a time  
11 sensitive need to respond to the media and since she  
12 could not locate Ms. Burgess, she asked if this was  
13 information that needed to be conveyed directly to the  
14 Inspector General.

15 As Ms. Burgess's immediate supervisor and  
16 understanding the Inspector General's desire to be  
17 apprised of any urgent requests from the media, I advised  
18 Ms. Belisle to write up what that query was, to send it  
19 directly to the Inspector General and to ensure that Ms.  
20 Burgess was copied and that I was copied so everybody  
21 would be in the loop on the request, but I felt that  
22 given the nature of the request that the Inspector  
23 General would want to know about it and be able to decide  
24 on his own if he would accept or decline the request.

25 THE INVESTIGATOR: Okay. Did the Complainant

1 approach you and discuss anything regarding that later?

2 THE WITNESS: I don't recall specifically any  
3 discussion about that issue.

4 THE INVESTIGATOR: Respond to the Complainant's  
5 allegation that on or about May 2007 you, without  
6 consultation with the Complainant, took over an  
7 assignment that the Inspector General had given to the  
8 Complainant.

9 THE WITNESS: I believe that was not May. I  
10 believe that July. And looking at the files, that e-mail  
11 chain in which the policy regarding the vetting of the  
12 quarterly reports occurred in July. Again, in July I was  
13 her immediate supervisor and my recollection of the  
14 incident was the Inspector General had requested  
15 Ms. Burgess to prepare policy that would discuss the  
16 release procedures for our quarterly reports.

17 She coordinated that with senior staff. She  
18 provided a draft to the Inspector General. The Inspector  
19 General advised me, at that point, that he was not  
20 satisfied with the draft that was provided by Ms. Burgess  
21 and asked that I discuss it with her. I had one  
22 conversation with her to determine where the task was at,  
23 who she had talked with, what types of feedback she had  
24 gotten and she provided that to me. And then following  
25 that, my recollection is the Inspector General spoke to

1 me directly about his desires on how that policy should  
2 be issued. He had very specific views on the timing of  
3 the release of the quarterly reports. At the direction  
4 of the Inspector General, I then produced the final  
5 policy that he required to be produced. I felt that I  
6 had coordinated adequately with Denise Burgess and as per  
7 the Inspector General's instructions, I executed the  
8 policy as directed.

9 THE INVESTIGATOR: Okay. Respond to the  
10 Complainant's allegation that in July 2007 you targeted  
11 the Complainant and her staff for termination when an  
12 equivalent unit, the Congressional branch, I believe, had  
13 four full-time staff members and was slated for no  
14 reductions.

15 THE WITNESS: At that exact time, there were  
16 two reductions that were made, Congressional and Public  
17 Affairs. In the Public Affairs division, I reorganized  
18 the Head of Public Affairs and one contract employee out  
19 of the division and downgraded Congressional -- I mean,  
20 downgraded Public Affairs to simply a director position.  
21 It was not an entire division any longer. It was just  
22 going to be one person that will handle media. At the  
23 same time, I simultaneously notified a white female and a  
24 white male and I'm sort of pained to have to say it in  
25 those terms, but I know this is an EEO hearing, so I feel



1 that's relevant, but the point was there were two people  
2 in Congressional Affairs who were also simultaneously  
3 advised to find other positions because they would also  
4 be reorganized out of a position. And so at the same  
5 time there was a net reduction; if you would include  
6 contract employees and government employees, there was a  
7 net reduction of two off of Congressional Affairs and two  
8 off of Public Affairs.

9 Now, after -- I mean, if this is -- I looked at  
10 the numbers last night to be able to -- when I take  
11 personnel actions, being a minority female, myself, I'm  
12 color blind. I don't consider a person's race when I'm  
13 making personnel decisions about reorganization. So last  
14 night I went back through and I looked at the  
15 reorganization of the contractors and the reorganization  
16 of the employees.

17 And I tallied up the race and gender of each  
18 one of the people that was affected by the reorganization  
19 and the numbers, which are factual and we can provide all  
20 of the supporting records, I believe they are in the  
21 record, are as follows: on the employee side, from  
22 Congressional Affairs, a white female and a white male  
23 had their positions eliminated. In Congressional  
24 Affairs, a black female's position was eliminated. On  
25 the contractor side, there were three contractors that

1 were cut. One was a black female, that was  
2 Patricia Redmon. One was a white female and one was a  
3 black male. Simultaneously, I converted seven positions  
4 to government employees and the differentiation between  
5 the people who were cut off contract and the people who  
6 were converted to government employees was made purely on  
7 the basis of mission critical position.

8           If I did not believe that the position was  
9 mission critical, it was eliminated. If I did believe  
10 that the position was mission critical, then the  
11 individual in question, who was a contractor, was offered  
12 a full-time government position. The seven people who  
13 were offered full-time government positions, the same  
14 time that Patricia Redmon was asked to leave, included  
15 four black females, one white female, one white male and  
16 one black male.

17           Now, going back to these numbers last night, I  
18 sent them to Andrea. The only thing that appears to be  
19 statistically significant from all of the reorganization  
20 that was done at the same time period is the fact that  
21 there was a definite skewing in the number of black  
22 females that were offered full-time positions with the  
23 organization, four of the seven that we retained were  
24 black females. But again, like I said, this entire  
25 discussion is rather distasteful for me because being a

1 minority female myself, I don't make decisions based on  
2 people's race. I make decisions based on mission  
3 critical needs. I make decisions based on competence. I  
4 make decisions based on budget availability and what's  
5 right for the organization.

6 THE INVESTIGATOR: The two Congressional  
7 employees that were removed from that branch --

8 THE WITNESS: Yes.

9 THE INVESTIGATOR: -- were they terminated or  
10 were they given other positions?

11 THE WITNESS: They were advised that they would  
12 have the exact same time in service with the  
13 organization. They were advised to please go find other  
14 positions and if they were not able to find other  
15 positions, that their employment with SIGIR would  
16 terminate on or about September 1st, which was the same  
17 timeframe that was given to Denise Burgess.

18 THE INVESTIGATOR: Were they able to find other  
19 positions in SIGIR?

20 THE WITNESS: They were able to find other  
21 positions and I will note that when I had the  
22 conversation with Denise Burgess, during that  
23 conversation I did offer to provide what assistance I  
24 could, if we could make phone calls, help her find  
25 another position or write a letter of recommendation, we

1 would be happy to do that to help with the transition.

2 THE INVESTIGATOR: Did you allow the  
3 Complainant to look for another position within SIGIR?

4 THE WITNESS: At the time there was no other  
5 position that would have fit her skills and abilities, so  
6 she was not considered for any other position within the  
7 organization.

8 THE INVESTIGATOR: Now, what you've described,  
9 this reorganization -- well, the restructuring. I don't  
10 know if you used that term, reorganization. What brought  
11 it about? Were you directed, something come down in  
12 writing?

13 THE WITNESS: The organization has a very  
14 interesting history. We have had 250 people leave our  
15 organization in the four years since we were created. We  
16 are a temporary organization and we constantly undergo,  
17 every three months, a strategic planning process in which  
18 we reevaluate how we're meeting the mission with the  
19 number of employees that we have. We do not behave like  
20 a normal long-term bureaucratic federal organization. We  
21 are constantly revising the organization to meet the  
22 needs. We are constantly reevaluating how we can perform  
23 the mission with the leanest staff possible, which means  
24 concentrating our budget on providing auditors,  
25 inspectors and investigators and simultaneously keeping

1 the overhead staff, which would include Office of General  
2 Counsel, Congressional Affairs, Public Affairs and the  
3 quarterly report. We try to keep that as lean as  
4 possible and try to keep as many auditors and  
5 investigators and inspectors in that mix. And when I  
6 talk about mix, that's what I'm talking about. We have a  
7 budget. At the time, I believe it was 121 positions and  
8 within those 121 positions, there had been a dramatic  
9 increase in the amount of people in Congressional and  
10 Public Affairs. When I was deputy in 2006, earlier in  
11 the year, we had traditionally had four people doing all  
12 the work for Congressional and Public Affairs.

13           When I briefly left the position of Deputy  
14 Inspector General in December of 2006 and the new deputy  
15 came onboard, one of the things that she did was increase  
16 the number of people in Congressional and Public Affairs  
17 in a very dramatic fashion, so that by the time that I  
18 returned to the position of Deputy Inspector General,  
19 there were now eight people that were providing support  
20 to Congressional and Public Affairs. So the reality of  
21 the reorganization was that the organization had  
22 functioned perfectly fine with four people doing the job  
23 in both of those divisions and it had increased to eight  
24 people doing that job. At the same time, the budget  
25 submission from the agency was prepared and it was sent

1 in. And I apologize if it gets in the weeds, but I think  
2 it's important to understand the context. SIGIR had been  
3 running on a budget of about \$25 million a year. That  
4 was very difficult to say because we've had such a varied  
5 history and such a short history, but we were functioning  
6 on approximately \$25 million a year. In January of 2006,  
7 a request was made for -- I mean, I'm sorry. January of  
8 2007, a request was made for \$53 million to OMB.

9 That request generated a very negative response  
10 from OMB, who felt that that was an unjustified budget  
11 and it resulted in several conversations that were had by  
12 myself and by other staff members over the course of the  
13 entire spring in which OMB was very concerned that  
14 SIGIR's budget was dramatically increasing and we were  
15 told, very directly, your public law requires that you do  
16 audits, investigations, inspections and produce quarterly  
17 reports.

18 There is no Congressional mandate for you to do  
19 press and we are concerned to see that your in-house  
20 support staff is growing and your budget is growing and  
21 that's not acceptable. And at the time, SIGIR's been  
22 funded through supplementals, that's the other problem.  
23 SIGIR doesn't have a normal base budget. It has never  
24 had a base budget put in as part of every other federal  
25 agency since the beginning of the organization. So the

1 supplemental budget that we were supposed to live on, as  
2 an organization, was supposed to last through the end of  
3 September of 2008 and we received notification from OMB  
4 that OMB expected us to live on that same budget. They  
5 were not going to put in, OMB was not going to put in and  
6 additional request and we would be required to live on  
7 that money through December of 2008.

8           So that meant, from a budgetary standpoint  
9 within the organization, I was then required to take the  
10 same amount of money that had been budgeted for a fiscal  
11 year and spend it over five quarters instead of four  
12 quarters. So you hit a very difficult decision point.  
13 Your money's not going to change. Certainly,  
14 Congressional Affairs was having discussions with  
15 Congress about the need for more money, but as a good  
16 fiscal manager and as a person who works in an audit  
17 organization, you cannot manage an organization on  
18 wishful thinking that hopefully Congress will pass a  
19 budget that you may or may not get.

20           OMB rules are very specific. Once you're  
21 appropriated money, you are told how long that money's  
22 going to last for and you have to provide a spend plan  
23 that reflects that you will live within your means  
24 because you can't spend money that the Congress had not  
25 authorized and that's Congress's discretion. They may,

1 they may not, but you have to live within the budget. So  
2 we were under significant budget pressures in the spring  
3 of 2007, so when I took over as deputy, the first thing  
4 that the Inspector General asked me to do was to take a  
5 very hard look at the entire organization, to figure out  
6 what changes that we needed to make as an organization to  
7 live within the budget that we were given, which at the  
8 time was \$35 million.

9           Instead of living on that through September of  
10 '08, we were being required by OMB to live on that  
11 through December of 2008. And part of the requirement  
12 was that we try as hard as possible not to reduce the  
13 amount of auditors or investigators or inspectors because  
14 that's what the Congress expects us to do, that's our  
15 mission.

16           And so the first thing I did was I looked very  
17 hard at all of the positions that we had internal to the  
18 organization and it became apparent to me and I had  
19 several discussions with the Inspector General, who  
20 concurred, there were two areas that were really outsize  
21 of the budget. One of them was the great number of  
22 contractors that we had and people familiar with  
23 government budgeting understand that a contract employee  
24 costs roughly twice to three times what a government  
25 employee costs. In the case of Patricia Redmon, she was



1 costing the government, she was costing SIGIR \$115,000 a  
2 year. Now, that's not how much she made, that's how much  
3 the organization had to pay to the contracting company in  
4 order to have the services of someone who was,  
5 essentially, an assistant to Public Affairs. So that  
6 went into the calculation. The other part of the  
7 calculation that I made at the time was the fact that the  
8 organization had functioned perfectly fine with four  
9 people doing Congressional and Public Affairs.

10 So when I saw the number of four go up to eight  
11 people doing Congressional and Public Affairs, I  
12 immediately considered could we ration it back to the  
13 number four, which was something that we had proven that  
14 we could function at previous to all the changes in hires  
15 that had been made. So there were two things that were  
16 simultaneously going.

17 One of them was in-sourcing and at the time we  
18 were getting direction from the Department of the Army.  
19 I believe there's a memorandum that has been sent out  
20 which has since codified this, which required all  
21 Department of Army agencies to consider in-sourcing as  
22 appropriate because it is more cost-effective to hire  
23 government employees than it is to have contract  
24 employees. So we were doing that because we thought it  
25 was going to be very good cost savings measure and I'm

1 quite proud of the fact that we brought those cost  
2 savings down. We were spending about \$250,000 a month on  
3 contractors through this one contract vehicle and after  
4 the reorganization, in which seven people were converted  
5 to government positions and three people were cut off the  
6 rolls because they didn't have mission critical  
7 positions, as a result, our average burn rate went down  
8 somewhere \$50-60,000 a month, so there was significant  
9 cost savings per month, significant cost savings to the  
10 agency.

11           The other consideration that I made was  
12 Congressional affairs and public affairs are not equal in  
13 the law. Our law, Public Law 108-106 requires, very  
14 specifically in the law, that we do audits, we do  
15 investigations, we provide quarterly reports to Congress  
16 and we report to eight Congressional committees.

17           That requires us to have a Congressional staff  
18 that interacts with eight committees; four on the Senate  
19 side, four on the House side. There is a legal  
20 requirement for us to do Congressional affairs. There is  
21 no legal requirement for us to do public affairs. In the  
22 entire four-year history of SIGIR, we've never issued a  
23 press release and we've never had a press conference.  
24 Our press is strictly reactive and the primary purpose of  
25 our press department is to ensure that copies of the

1 quarterly report, the audits and the inspections are  
2 provided to the media and we are responsive to questions,  
3 but we do not do any sort of proactive media. So the  
4 idea that somehow Congressional Affairs and Public  
5 Affairs are equal divisions is perhaps an impression that  
6 Denise may have had and I understand that, but it is not  
7 the impression that either the Inspector General nor I  
8 had of how the organization needed to function.

9           He has been very clear about the need to be  
10 very responsive to the Congress, but not to expend a lot  
11 of effort on, as they would say, administrative or  
12 support functions when we need to make sure that we're  
13 very focused on audits, inspections, investigations and  
14 quarterly reports. So that also went into the thinking  
15 at the time and so in June I began to draft potentials  
16 for the reorganization and the reason that we did not  
17 involve anyone on the senior staff is because the  
18 reorganization involved cutting positions off of senior  
19 staff.

20           In fact, it involved cutting the Assistant  
21 Inspector General of Public Affairs, removing that as an  
22 SES position, and simultaneously with that, it was really  
23 transforming Public Affairs from an entire division which  
24 had a supervisor and three staff underneath it into a  
25 support function; one person who would do the heavy

1 lifting, who would interact with the media, who would  
2 provide copies of the reports, who would make  
3 appointments and basically be a staffer to the Inspector  
4 General for those issues. But I felt that it was  
5 appropriate and I made the recommendation to the  
6 Inspector General that an entire division with  
7 secretaries and assistants was not needed for that  
8 position, given the mission and given the way the  
9 Inspector General felt he wanted the organization run. I  
10 also simultaneously felt that in terms of Congressional  
11 Affairs, we didn't need an entire division, either.

12           We really needed two people who would do the  
13 interaction and the reason it was two people instead of  
14 one in Public Affairs is because we have eight  
15 committees, we get a substantial number of questions for  
16 the record and at the time, when the Congress converted,  
17 when it was a Republican Congress, not that it's  
18 partisan, but when it was a Republican Congress we did a  
19 total of, I believe, three or four testimonies in the  
20 space of two years. Once the Congress became a  
21 Democratic Congress, we were requested to testify 25  
22 times. We also -- the number of questions for the record  
23 dramatically increased, so the workload from our  
24 Congressional side did dramatically escalate. The  
25 workload on the media side has remained consistent

1 throughout the life of SIGIR. We get the same number of  
2 media calls, we get the same number of requests and we  
3 handle them appropriately. So that was what went into my  
4 thinking as we were doing this. Again, it has had  
5 absolutely no racial, no gender, no -- I mean, there was  
6 no bias to it.

7           It was really a question of good management and  
8 I realize that sometimes it's unfortunate because people  
9 are reorganized out of a job and we try as much as  
10 possible, I personally try as much as possible, to make  
11 that process as, you know, not painful as I can and I  
12 realize it's a very difficult thing to do and I'm sorry  
13 that it had to happen to Denise. We tried to do  
14 everything that we could. We provided 30 days of  
15 administrative leave to help her have enough time to look  
16 for a job.

17           I made sure that she was given all of the  
18 normal courtesies. That certificate which she was given  
19 when she left which said she did an outstanding job is a  
20 certificate that SIGIR provides to every single one of  
21 our employees and contractors who leaves. We've had 250  
22 people who have come through, worked for us and decided  
23 to move on and so we understand that, as a temporary  
24 organization, that there is a very large turnover of  
25 employees, which is allowed under 3161. When we hire

1 people, they are given a letter and clearly in the letter  
2 it says this is a temporary appointment for 13 months,  
3 which can be terminated any time before that 13 months  
4 because precisely, we are a temporary organization. Part  
5 of the benefit of a temporary organization is people do  
6 not have to compete for the job.

7 Denise did not have to compete for that job.  
8 She did not have to go up against other candidates for  
9 that job. I mean, that's the benefit of 3161. The  
10 Inspector General selected her, she was hired. So that's  
11 the benefit and unfortunately, there's a down side to  
12 that and that is that there is no expectation on behalf  
13 of any member that works with SIGIR that they are  
14 guaranteed full employment. It is simply not a permanent  
15 position, it's a temporary position.

16 THE INVESTIGATOR: Did you -- seeing that you  
17 had Ms. Belisle come in and work in Public Affairs, did  
18 you offer that or if not, why, to the Complainant to fill  
19 that position?

20 THE WITNESS: I did not offer that position to  
21 Denise Burgess and the reason I did not is because Denise  
22 had clearly explained to me over the course of the  
23 previous two months that she was unable to carry out the  
24 duties of Public Affairs without four people in the  
25 division and I would actually refer you to her complaint

1 letter to the EEO in which, on Page 2, third paragraph  
2 down, she said, "I told Ms. Cruz that it would be  
3 extremely difficult for me to manage the workload without  
4 an assistant." That comports with what she told her  
5 personally. Additionally --

6 THE INVESTIGATOR: Let me just say for the  
7 record it's on Page 7 and I think I have it elsewhere in  
8 the investigative file, but also on Page 7.

9 THE WITNESS: Okay. And then on Page 4, third  
10 bullet down from the top, she indicated that "delaying  
11 hiring staff into my section, forcing me to accomplish  
12 the work previously done by two full-time individuals."  
13 I mean, those are two statements in her letter which  
14 confirm my understanding from her at the time and that  
15 understanding from her was that she could not accomplish  
16 the duties of Public Affairs unless there was an entire  
17 division of four people.

18 And there were several things that went into  
19 that. She needed an assistant to answer the phone, she  
20 would often her assistants to get back to media contacts  
21 instead of her doing that callback. She did not have a  
22 conversant knowledge of the audits, inspections and  
23 quarterly report and so very often -- I believe many of  
24 those were submitted to the record -- very often she  
25 would rely on me to provide that information to reporters

1 because she was not able to do so and so, as a manager,  
2 what went into my thinking, if I'm going to take a  
3 division of four people and I need to downsize it to one  
4 person to provide the support that the agency needs, it  
5 would need to be a person whose skills were not  
6 managerial because there would be no one to manage.

7 I would need someone who was able to do the  
8 heavy lifting, who was not above making the phone calls,  
9 who was not above doing, sort of, you know, the day-to-  
10 day scheduling, management and callbacks and those types  
11 of things and someone who had a conversant knowledge in  
12 the audits, inspections and the quarterly report. And so  
13 part of the reason that I reached out to Kris Belisle and  
14 asked her if she would be willing to come back is because  
15 she had a current knowledge.

16 She had worked for SIGIR all the way up until  
17 that spring, was completely aware of the unique nature of  
18 SIGIR, was able to discuss the audits, inspections and  
19 investigations, and she conveyed to me that she would be  
20 able to take care of all of the duties which were not  
21 managerial, just the day-to-day duties of performing the  
22 functions of public affairs. And so, in my mind, from a  
23 budgetary standpoint, if you take Denise's salary, you  
24 take Patricia Redmon's salary, and you take the two  
25 people that she was asking me to hire in order for that



1 to function as a department, you come up with a total  
2 budget of \$464,000. If I was to convert that division,  
3 change it to a 15 position, I believe it was like a 15  
4 Step 1, and make it a Director of Public Affairs, which  
5 is not management, not a directorate, just simply one  
6 person who would handle the callbacks and be able to do  
7 the minimal amount needed to perform the function, I  
8 would be spending \$124,000 and so for me, the annual  
9 difference between \$464,000 and \$124,000 was significant  
10 but it also meant that Denise, in some ways, was over-  
11 qualified for the job. She was a manager and I didn't  
12 need a manager. I just needed somebody to make the phone  
13 calls and make sure that the responses were provided as  
14 appropriate.

15 THE INVESTIGATOR: Now, the duties you  
16 described for the new position that Ms. Belisle filled,  
17 do those -- those duties, are they descriptive of a GS-15  
18 level position?

19 THE WITNESS: Yes, they are.

20 THE INVESTIGATOR: Okay. No supervision, I  
21 guess, just a person to work on their own?

22 THE WITNESS: She is supervised by me. The  
23 Director of Public Affairs is a support position. There  
24 are no subordinates, so she has no management  
25 responsibilities, but being the Deputy Inspector General,

1 everybody within the organization reports through me to  
2 the Inspector General.

3 THE INVESTIGATOR: In the testimony we heard, I  
4 think at one time another person -- I could be incorrect  
5 with the name -- a Mr. Mays, maybe the intent was to hire  
6 him for Public Affairs, as one of the individuals. Why  
7 was he not hired?

8 THE WITNESS: He was not hired because at the  
9 time we were going through the process of reorganization  
10 and I delayed any hirings because it would not make sense  
11 to hire someone on if we were simply going to remove that  
12 position from the table 30, so any decision on hiring  
13 individuals into the organization was delayed. And part  
14 of the reason for the disconnect between sort of why did  
15 we go out and look for him, I was not the deputy at the  
16 time.

17 There was a distinct difference between the  
18 organization that was conceived by Robin Raphael, who was  
19 Deputy from December through June, and my view of how the  
20 organization would continue to function from June  
21 forward. So at the time that Robin Raphael was there,  
22 Robin Raphael, I believe, felt that it was important to  
23 increase the number of people and that was when those  
24 offers were made and those individuals were brought on.  
25 When I came on, there was a different understanding of

1 how the organization was going to function and so as part  
2 of a greater reorganization, I mean, this is just one  
3 part of it. The deputies' positions were also  
4 reorganized. There were several people who left the  
5 organization at the time. But it was a fairly major  
6 reorganization.

7 THE INVESTIGATOR: Now, from the testimony that  
8 we've heard, you let go Ms. Redmon and not the same day,  
9 but a few days afterwards, the Complainant was told of  
10 her termination. How do you account for the not  
11 occurring at the same time but so close in time?

12 THE WITNESS: The termination of Ms. Redmon was  
13 not done by me. That's a contractual issue and the COTR  
14 handles the notification to the person who manages the  
15 contract.

16 THE INVESTIGATOR: The COTR, contracting --

17 THE WITNESS: Contracting Officer Technical  
18 Representative. And the timing was -- there was no issue  
19 on the timing. I had issued instructions to the  
20 Contracting Officer Technical Representative that I had  
21 done an evaluation of the positions, I considered three  
22 positions to be nonessential, I considered seven  
23 positions to be essential and I requested that the three  
24 nonessential positions be rolled off and that the seven  
25 essential positions be permanized (phonetic sp.) as

1 government employees and I believe we have provided an e-  
2 mail today, to Geoff Loehsl, who was the contracting  
3 manager at the time, which basically lays out the  
4 conversion of contractors that I'm discussing. So  
5 Patricia Redmon's -- and it wasn't termination. She  
6 wasn't a government employee. Contract employees are  
7 brought on and then they're rolled off. They don't have  
8 the same expectations even as a 3161. But it was not  
9 specific to Ms. Redmon. It was actually part of a very  
10 comprehensive downsizing of the contract in order to get  
11 the contract funds in line with our budget.

12 THE INVESTIGATOR: In earlier testimony, the  
13 Complainant said that when you met with her regarding her  
14 termination, you used the term or the sentence that she  
15 was being let go because you needed the right mix of  
16 people.

17 THE WITNESS: Um-hum.

18 THE INVESTIGATOR: Did you use that terminology  
19 and if so, what did you mean by it?

20 THE WITNESS: I did. I used the term right mix  
21 of people because I was talking about the substantive mix  
22 of individuals which includes more auditors, inspectors  
23 and investigators and less people in nonessential  
24 positions, support positions, such as Public Affairs,  
25 Congressional Affairs, special assistance. I mean, those

1 things which are not considered essential to our mission.

2 And I -- I mean, I used that term several times as I was  
3 discussing with people the purpose of the reorganization.  
4 We needed to make sure that if we had a limited amount of  
5 money that the mix of people included a higher percentage  
6 of individuals who were specifically targeted towards our  
7 mission under Public Law 108-106 and that's not just my  
8 recollection. If you look at the e-mail that I sent to  
9 Geoff Loehsl, who was the contracting officer, I again  
10 used that term and I used -- I believe if you read the  
11 entire sentence, I said the right mix of substantive  
12 skills. What I meant when I said the right mix of people  
13 was we needed the right mix of substantive skills.

14 We needed -- you know, when you have to -- you  
15 got a hundred positions and you have to cut it to 75, you  
16 want to make sure that those 75 people that you end up  
17 with are absolutely the people that you need to meet your  
18 mission and all the people that have to be considered  
19 nonessential -- and it's a difficult decision to make, I  
20 mean because at some point you're telling that 25 percent  
21 that they're not going to have their job any longer and I  
22 understand, having been a manager for 15 years, that this  
23 is a difficult thing to do and you try and be as  
24 thoughtful and accommodating as you can, but  
25 unfortunately, that's the reality of running an

1 organization with a limited budget and needing to meet  
2 the mission. If I have a limited number of positions,  
3 I'm not going to use those positions for assistance. I'm  
4 not going to use those positions for a large public  
5 affairs staff when I have no Congressional mandate to do  
6 public affairs. I'm going to make sure that when  
7 Congress says to me are you auditing the Iraq  
8 Reconstruction Program, I'm going to make sure that I  
9 have numbers that say I've got 45 auditors on the ground,  
10 doing their job, as I was mandated to do by Congress.

11 THE INVESTIGATOR: You mentioned there was an  
12 e-mail with a Mr. Loehsl?

13 THE WITNESS: Yes.

14 THE INVESTIGATOR: How do you spell his name?

15 THE WITNESS: L-o-e-h-s-l, I believe.  
16 G-e-o-f-f, Geoff Loehsl.

17 MR. BARATZ: That was one of the three e-mails  
18 that --

19 THE WITNESS: Yes.

20 THE INVESTIGATOR: Oh, okay.

21 MR. BARATZ: -- SIGIR gave us to that.

22 THE INVESTIGATOR: I was going to ask about  
23 that, so --

24 THE WITNESS: It's that on the top, I believe  
25 or -- no.

1 MS. BERNARDO: No, it's that one --

2 THE INVESTIGATOR: Oh, okay.

3 MR. BARATZ: It's dated August 26, 2007.

4 THE INVESTIGATOR: Right, okay. Respond to the  
5 Complainant's allegation that from June 2007 through July  
6 2007 you exclusively reviewed the Complainant's time and  
7 attendance records in hope of finding irregularities.

8 THE WITNESS: When I became the Deputy for  
9 Policy, I sent out an e-mail to all of the individuals  
10 who directly reported to me and that would include  
11 Denise Burgess, Scott Michaud and Marthena Cowart, and I  
12 requested that all of them send their timesheets to me  
13 since I was now going to be their supervisor and as a  
14 good supervisor, I make sure that I review them as  
15 appropriate.

16 I mean, I never sign a timesheet that I haven't  
17 reviewed to make sure it's accurate. It was not targeted  
18 at any one specific individual. It's simply good  
19 management to make sure that the timesheets which I'm  
20 responsible for signing are accurate. At no point did I  
21 have any issues with Denise Burgess's timesheet nor did I  
22 single her out. Everyone that reported to me gave me  
23 their timesheets.

24 THE INVESTIGATOR: Do you recall finding any  
25 irregularities with the Complainant's timesheets?

1 THE WITNESS: I don't.

2 THE INVESTIGATOR: Respond to the Complainant's  
3 allegation that in July 2007 you isolated the Complainant  
4 from the consultative process regarding media activities.

5 THE WITNESS: I did not isolate the Complainant  
6 from consultation on media activities. As a matter of  
7 fact, I believe the record will show, through multiple  
8 e-mails, that whenever there were cases in which media  
9 issues were brought to my attention, I made sure to  
10 either direct the person who brought it to my attention  
11 or did to myself, to put Denise into the loop. It's a  
12 small organization and a lot of times people would just  
13 go directly to the Inspector General or they might come  
14 directly to me.

15 There's an interesting case here also, since my  
16 background is public affairs. So the Inspector General  
17 also relied upon me to provide him with public affairs  
18 advise concurrent with the advice that he was getting  
19 from Denise Burgess. I'm a former Deputy Assistant  
20 Secretary of Public Affairs for the Department of Housing  
21 and Urban Development. I'm a former member of the Radio  
22 and Television News Directors Association. I was a  
23 television news director for many years for NBC, so the  
24 Inspector General valued my input into matters of media  
25 issues, but I was very cognizant of the fact that



1 Denise Burgess was heading the Public Affairs Department  
2 and I think the record is pretty clear in showing that  
3 any time media issues were brought to my attention and  
4 they were excluding Denise, that I made effort to include  
5 Denise in the loop to make sure that she knew about  
6 those. I believe there are also several instances in  
7 which Denise would get direct inquiries from the media  
8 that was asking her for information and I would  
9 coordinate with Denise and help her respond to the media  
10 inquiries.

11 (Off the record.)

12 (On the record.)

13 THE INVESTIGATOR: Go back on the record. It  
14 is 1:50. We were off the record for a minute or two just  
15 to stop and sort of coordinating with other witnesses  
16 that were arriving. We'll continue with our questioning  
17 of Ms. Cruz. Respond to the Complainant's allegation  
18 that in July 2007 insisted on addressing one of the  
19 Complainant's staff members with an improper name,  
20 specifically calling Patricia Redmon Pat.

21 THE WITNESS: I do recall making the mistake of  
22 calling Patricia Redmon Pat. I was not aware that she  
23 wanted to be called Patricia and I had known several Pats  
24 throughout my life who, you know, it was sort of natural  
25 for me to call someone named Patricia Pat. When it was

1 brought to my attention by Pat, I apologized to her and  
2 said that I would try to remember that in the future, but  
3 it sort of gets ingrained. Patty Royal (phonetic sp.)  
4 was a good friend of mine. I had several other friends  
5 who were named Pat and so it's hard to retrain yourself  
6 when you've used that name to call people. Pat Bowers I  
7 talked to all the time, so I did apologize.

8 I meant no offense by it and then when Denise  
9 -- I think I made the mistake a couple of times and when  
10 Denise brought to my attention that her name was not Pat,  
11 it was Patricia, I felt embarrassed. I mean, it was not  
12 something that I meant to do and I believe that my  
13 reaction to Denise was embarrassment. I mean, I was  
14 trying very hard to remember that, but we work 14 hour  
15 days and we work really hard, but sometimes I do make  
16 mistakes and I didn't mean anything by it.

17 THE INVESTIGATOR: Respond to the Complainant's  
18 allegation that on July 23rd, 2007, you retaliated  
19 against the Complainant for opposing employment practices  
20 that were racially discriminatory by terminating her  
21 employment.

22 THE WITNESS: The termination of Denise Burgess  
23 was not related at all to any sort of retaliation. The  
24 plans for the reorganization had been ongoing since June  
25 and so just by sheer timing, it had nothing to do with

1 that e-mail and as a matter of fact -- I mean, that was  
2 sort of the shocking thing. I had no idea that there was  
3 any sort of an EEO issue going on until the day that I  
4 was notified by General Counsel that we had received an  
5 EEO complaint from Denise Burgess and I was shocked and I  
6 said well, what's the complaint and somebody told me  
7 well, they said that she's lodging the complaint that you  
8 fired her because she's African American and she's female  
9 and my immediate response was that's absurd.

10 I'm a minority female. The last thing I would  
11 do is terminate somebody because they were a minority  
12 female. I mean, I founded the United Minorities Council  
13 Asian Alliance when I was in college. I founded the Penn  
14 Filipino Association. I mean, I've been known for my  
15 activism in the minority community for years.  
16 Secretary Norminnetto (phonetic sp.) is one of the first  
17 people that I brought on the college speaking circuit  
18 because I was such a big fan of minority rights.

19 So I was frankly utterly shocked and utterly  
20 taken aback and you know, in retrospect, as I look back,  
21 did I understand that there were code words in there that  
22 somehow indicated that this was a racial issue? It  
23 wasn't apparent to me because I was not aware of that and  
24 as a matter of fact, the e-mail that was sent on Patricia  
25 Redmon that she alleges is this huge thing, never did she

1 use the word, you know, you're terminating her because  
2 she's African American. That would've been an indicator  
3 to me oh, gee, maybe I need to go talk to General  
4 Counsel. There was nothing in there that I considered to  
5 be racial or sex-based, so I completely -- I mean, my  
6 understanding of that e-mail, when I received the e-mail  
7 saying that I don't think it's fair that you're going to  
8 terminate Patricia was that I thought that Denise was  
9 trying to protect her friend.

10 We had had several conversations in the  
11 preceding weeks in which Denise Burgess told me that  
12 Patricia Redmon had been her friend for many years, over  
13 10 years, and that she thought the world of her and that  
14 a lot of the places that she had worked, Patricia had  
15 also worked and she was a great person and great friend  
16 and she really needed her around.

17 And so when I got the e-mail from Denise  
18 saying, you know, I don't think it's fair that you're  
19 terminating Patricia, my initial reaction was that she  
20 was trying to save Patricia's job because it was her  
21 friend and I didn't want to discuss it any further with  
22 Denise for two reasons. Number One, the decision on how  
23 to terminate people off of a contract is not a group  
24 decision. The Inspector General had given me strict  
25 instructions to in-source positions and remove

1 nonessential positions off contract. So you know, I  
2 asked her for input, but it was not her decision to make.  
3 It was the Inspector General's call and it was my  
4 decision. And second of all, I didn't think it was  
5 appropriate for her to want to save a friend who was  
6 costing the agency \$115,000 and providing services as her  
7 assistant.

8           Public Affairs -- having an assistant in the  
9 Public Affairs division, it cost the agency \$115,000. I  
10 could hire a GS-13 auditor for \$115,000, so I couldn't  
11 justify to OMB why I had a larger Public Affairs division  
12 and was having to cut auditor positions. So all of that  
13 sort of went into my thinking as I was looking at how to  
14 proceed, how to move forward. But, I mean, that was how  
15 I viewed the whole situation.

16           The other thing that I will point out is  
17 throughout this whole process of preparing the  
18 notification to Denise about the reorganization, I did  
19 involve the General Counsel's office. The General  
20 Counsel sat there with me through the notification of  
21 Denise Burgess and General Counsel was copied on the e-  
22 mails that Denise Burgess sent, as well. And I discussed  
23 it with General Counsel and I said to General Counsel do  
24 you have any concerns and both Justin Martel and Pat  
25 Bowers told me we do not have any concerns, we don't see

1 anything here that's an issue. You've done what's  
2 appropriate. Go ahead and proceed. So at no point did  
3 -- I mean, maybe I was blind to it because I'm not used  
4 to these things because I've never launched nor been the  
5 subject of an EEO complaint in the entire 25 years of my  
6 professional career, so maybe it's my fault for not  
7 seeing it.

8 But additionally, you know, I was communicating  
9 the entire time with Nick Arnston, who was the Chief of  
10 Staff; with Janice Nisbet, who is a very competent  
11 personnel director; and with the Office of General  
12 Counsel, and at no point did anybody on my staff indicate  
13 to me that there were any issues with regard to EEO, so I  
14 was not aware of the issue at all.

15 THE INVESTIGATOR: What was the reason for the  
16 termination of Barbara Lewis?

17 THE WITNESS: Barbara Lewis was also one of the  
18 contractors. Those are three of the positions that were  
19 not considered essential. She, as you can see from that  
20 e-mail, I discussed very specifically Barbara Lewis in  
21 that e-mail. Barbara Lewis is a very smart woman and she  
22 provided a lot of expertise in the area of the Department  
23 of Treasury and she was brought on by Ambassador Raphael  
24 to assist with one of the programs that we have and as I  
25 was doing the evaluation of the skills that we needed,

1 SIGIR does not audit the Department of Treasury programs  
2 and so her area of expertise was not specifically tied to  
3 the types of issues that SIGIR reports on. We report on  
4 essential services, we report on the expenditure of Iraq  
5 reconstruction funds. We do not have purview over the  
6 Department of Treasury's interactions with the government  
7 of Iraq and that was her field of expertise.

8 She was initially brought on as a part-time  
9 employee to help us a little bit with Treasury issues.  
10 It quickly escalated into full-time work because she was  
11 working 40, 50 hours. She was costing the agency  
12 \$275,000 a year and when the Inspector General says to me  
13 you have somebody who's costing the agency \$275,000 a  
14 year, what skills and abilities are they bringing to the  
15 table?

16 And I said great skill and ability but it's not  
17 the right mix. We don't need an expert on Treasury  
18 affairs because that's not within our jurisdiction and so  
19 I indicated to the contracting officer that that was one  
20 of the positions that we could do without because that  
21 type of expertise was not needed.

22 THE INVESTIGATOR: What section or branch had  
23 she been in?

24 THE WITNESS: She was in the Quarterly Report  
25 Division.

1 THE INVESTIGATOR: Okay. My last question for  
2 you. Do you have anything to add?

3 THE WITNESS: There are a couple of issues I  
4 believe -- I just want to make sure I have addressed them  
5 all. I want to be very clear for the record that the  
6 discussion in which Denise Burgess and I talked about  
7 people who file complaints. I was very specifically  
8 referring to people who file anonymous complaints.

9 At the time, I don't think it's any secret,  
10 there was a full-blown anonymous attack that as going  
11 against my character and the character of the Inspector  
12 General and it was launched by disgruntled former  
13 employees and my comments to her were directly related to  
14 my displeasure with disgruntled former employees using  
15 anonymous media contacts to slander and libel me in  
16 public.

17 And I was discussing this with Denise because  
18 she was the one who was getting the calls from the media  
19 because the media, at the time, was actively covering  
20 these slanderous, anonymous complaints against me. I  
21 will note for the record that following over two years of  
22 very thorough investigation by the President's Council on  
23 Integrity and Efficiency and by the Department of  
24 Justice, that every single one of those complaints was  
25 dismissed, no findings were found either criminally or



1 administratively. There was absolutely no wrongdoing,  
2 which was my contention from the very beginning. But my  
3 comment to her, at the time, which I believe was before  
4 the meeting, it was just sort of the conversation that I  
5 was having with her, was a reflection of my displeasure  
6 at those people who would file anonymous complaints and  
7 besmirch and damage my reputation, which has taken a  
8 significant hit, in that whole process.

9           And for the record, again, I don't like talking  
10 about race and sex and all of that other stuff, but the  
11 people who launched the anonymous complaint against me  
12 were almost exclusively white males, so I was clearly not  
13 talking about the weakness of people who were minorities  
14 or females. The people who were the source of my  
15 incredible discomfort at the time, who had filed the  
16 complaint against me, were, in fact, white males, but I  
17 don't consider that a part of how I evaluate things.

18           Again, being a minority female, I've put up  
19 with quite a lot throughout my life of issues of  
20 potential racial discrimination and I've managed it and I  
21 think I've proceeded in a professional fashion and  
22 handled several instances in which that occurred, but  
23 having gone through that my entire life, I can tell you  
24 the furthest thing from my mind would be to ever do that  
25 to anyone else and that's been done to me my whole life

1 and that not something that I would ever do to anyone  
2 else. I think the other points that I would make I've  
3 pretty much made, I think. I just want to make sure that  
4 everything that was not clear in the record was  
5 explained. I believe I've covered everything. Oh, one  
6 other point, I'm sorry, the final point. When you were  
7 talking about minority on senior staff, I'm minority, I'm  
8 on senior staff, so I think when they were counting how  
9 many females on senior staff and how many minorities on  
10 senior staff, I'm a female minority, I'm on senior staff,  
11 so in terms of numbers.

12 THE INVESTIGATOR: Now, what's considered  
13 senior staff?

14 THE WITNESS: Senior staff would be all AIGs,  
15 Deputy AIGs, and the Inspector General and myself.

16 THE INVESTIGATOR: Would the Complainant have  
17 fit in there?

18 THE WITNESS: Denise would fit as senior staff,  
19 yes.

20 THE INVESTIGATOR: Okay. Anything else?

21 THE WITNESS: That's it.

22 THE INVESTIGATOR: Okay. Mr. Baratz, any  
23 questions or --

24 MR. BARATZ: Could we take three minutes just  
25 to talk so we can cut down on the number of questions?

1 We may have very little. I just want to make sure we  
2 don't unnecessarily ask questions that we don't need  
3 to --

4 THE INVESTIGATOR: Okay, we'll go off the  
5 record.

6 (Off the record.)

7 (On the record.)

8 THE INVESTIGATOR: We're back on the record.  
9 It's 2:13. We were off the record for about 10 minutes,  
10 taking a break. Mr. Baratz, any questions you may have  
11 of Ms. Cruz?

12 MR. BARATZ: Ms. Cruz, would you mind telling  
13 us when you specifically decided, in your reorganization  
14 plans, to eliminate the Public Affairs IG position or to  
15 terminate Ms. Burgess?

16 THE WITNESS: On or about the 22nd of June I  
17 began to put together plans for alternate structures for  
18 the organization which included eliminating a directorate  
19 for Public Affairs and just making it one staff person.

20 MR. BARATZ: And when you said you put together  
21 plans, what documents were you generating at that time?

22 THE WITNESS: At that time, I was making notes  
23 in a notebook, I was discussing with the Inspector  
24 General those notes and was refining them based on the  
25 discussions with the Inspector General.

1 MR. BARATZ: And those notes, were you asked to  
2 provide them as part of this process?

3 THE WITNESS: I was not specifically asked to  
4 provide those notes, no.

5 MR. BARATZ: Do you have any other documents  
6 other than the notes?

7 THE WITNESS: The notes are the only  
8 documentation that I believe exists that would confirm  
9 the thought process that was ongoing at the time.

10 MR. BARATZ: And your notes, I see you have in  
11 front of you a notebook.

12 THE WITNESS: Um-hum.

13 MR. BARATZ: Are those the type of notes that  
14 we're talking --

15 THE WITNESS: These are exactly the type of  
16 notes.

17 MR. BARATZ: And how would you describe those  
18 notes?

19 THE WITNESS: These are official notes that I  
20 take which chronicles the different meetings that I  
21 attend, the brainstorming that occur within the  
22 organization. They capture ideas, they capture concepts,  
23 they capture strategies. They're also just follow-up  
24 tasks that I go back and put onto index cards.

25 MR. BARATZ: And the notebooks -- so they're

1 bound notebooks and you're just flipping the pages in  
2 chronological order?

3 THE WITNESS: Yes, I am.

4 MR. BARATZ: And -- I was just asking if that  
5 was your method of note taking. How far back do your  
6 notebooks go?

7 THE WITNESS: From the first day I started with  
8 the organization.

9 MR. BARATZ: When was that?

10 THE WITNESS: It was on June 26, 2004.

11 MR. BARATZ: And that was your first stint with  
12 the organization before you got reassigned to State?

13 THE WITNESS: No, I started with SIGIR on  
14 June 24th, 2004.

15 MR. BARATZ: Do you have the notebooks from  
16 then?

17 THE WITNESS: Yes, I do.

18 MR. BARATZ: How long have you been using this  
19 notebook practice?

20 THE WITNESS: Every single day since -- I mean,  
21 just professionally? I've been doing this for at least  
22 20 years.

23 MR. BARATZ: And you have all those notebooks?

24 THE WITNESS: I do not have the notebooks from  
25 previous jobs.

1 MR. BARATZ: Do you have the notebooks from  
2 June 2004 when you started with SIGIR?

3 THE WITNESS: Yes, I do.

4 MR. BARATZ: All the way through?

5 THE WITNESS: Yes, I do.

6 MR. BARATZ: And that includes notebooks at  
7 State?

8 THE WITNESS: I never worked for the Department  
9 of State.

10 MR. BARATZ: I'm sorry. Maybe I misunderstood  
11 your prior testimony. I thought you were assigned out  
12 for the State --

13 THE WITNESS: I was detailed to the State  
14 Department.

15 MR. BARATZ: Excuse me. When you were detailed  
16 with the State Department did you have -- did you take  
17 notes at that time?

18 THE WITNESS: Yes, I did.

19 MR. BARATZ: And you have those notebooks?

20 THE WITNESS: Yes, I do.

21 MR. BARATZ: Do you know why those notes  
22 weren't turned over as part of this proceeding?

23 THE WITNESS: They weren't relevant. They were  
24 asked -- I was asked for all e-mails or official  
25 information. Those notes were merely a record of my

1 thoughts at the time and my thoughts at the time were not  
2 official in the sense that there was no official plan  
3 that was presented, so there was never an intention to  
4 withhold them. I just didn't think that they were  
5 germane.

6 MS. BERNARDO: Let me interrupt for a second.  
7 At the time we gathered the evidence or the information  
8 as requested by Mr. Welker, for whatever reason they  
9 weren't really deemed responsive. We discovered other  
10 items that were clearly more responsive like -- you know,  
11 published charts and such. As I mentioned earlier in the  
12 meeting, I have some copies of some pages of those notes  
13 that really reflect more the OMB conversations which I  
14 need to redact and I told you I didn't really feel I  
15 could redact them until I really saw what surfaced here  
16 in terms of information, but there's clearly some  
17 personal information on there, personal information as to  
18 other employees that are really not relevant to this  
19 event and I would be happy to produce the pages that I  
20 have.

21 MR. BARATZ: I would say that we would ask for  
22 those and any and every document that relates to  
23 reorganization. And just so I'm clear --

24 MS. BERNARDO: I think we gave them other than  
25 these notes.

1 MR. BARATZ: Well, so let's just clarify this.

2 So there are no official documents on reorganization as  
3 you use that term?

4 THE WITNESS: The official document of  
5 reorganization is the Table 30.

6 MR. BARATZ: And what is the Table 30?

7 THE WITNESS: The Table 30 is the official  
8 record of the positions that are assigned in the  
9 organization to each of the directorates and it assigns  
10 the grade level and it assigns the title of the  
11 positions.

12 MR. BARATZ: And do you know if the Table 30  
13 was produced as part of this record?

14 THE WITNESS: I believe it was. Janice Nisbet  
15 did provide the Table 30.

16 MR. BARATZ: Can we identify --

17 THE WITNESS: Or I believe excerpts of the  
18 Table 30. Part of the problem with the Table 30 is it  
19 contains Privacy Act information on all of our employees.  
20 It includes names and Social Security numbers and since  
21 that is not a part of this record -- I don't know what  
22 they produced, but --

23 MS. BERNARDO: I honestly -- I can honestly  
24 tell you that we tried to answer the request as best we  
25 saw fit at the time and we're happy to produce new Table



1 30s. Oh, here. This is -- we did provide Table 30s.

2 What we did is we provided it for Congressional and  
3 Public Affairs.

4 THE INVESTIGATOR: For the record, it begins --

5 THE WITNESS: It's Item 13.

6 THE INVESTIGATOR: -- at Page 129 of the  
7 investigative file.

8 MR. BARATZ: So the Table 30 is the one  
9 official document on the reorganization?

10 THE WITNESS: Yes.

11 MR. BARATZ: Are there any other official  
12 documents that discuss the deliberative process you were  
13 going through on reorganization?

14 THE WITNESS: No.

15 MR. BARATZ: And what do you mean by official,  
16 because I want to make sure we clearly understand.

17 THE WITNESS: Table 30 is an official document  
18 that's provided to the Department of the Army which  
19 determines the staffing levels of the organization. I  
20 think the other thing that would fall in the category of  
21 official, which was also provided, was the organizational  
22 charts which also reflect the change in the organization  
23 and those were provided, as well.

24 MR. BARATZ: In preparing for your testimony,  
25 did you look back at your notes?

1 THE WITNESS: I did.

2 MR. BARATZ: And when did you do that?

3 THE WITNESS: Over the last two weeks.

4 MR. BARATZ: And what have you looked at  
5 specifically that you recall?

6 THE WITNESS: I specifically looked at the  
7 notes from the time period of May through August of 2007  
8 to refresh my memory as to the general times and the  
9 deliberations that were ongoing at the time, most of  
10 which were verbal and were between me and the Inspector  
11 General.

12 MR. BARATZ: And you took notes of those verbal  
13 conversations between you and the Inspector General?

14 THE WITNESS: I took high level notes, yes.

15 MR. BARATZ: And so there were no e-mails  
16 between the two of you or any other documents or  
17 correspondence authorizing you --

18 THE WITNESS: The Inspector General advised me  
19 to perform the reorganization in the most expedient  
20 manner possible and to report to him directly in person.  
21 I do not report to the Inspector General via e-mail. I  
22 think that's a very impersonal way to report to the  
23 Inspector General. He prefers to sit down and have me  
24 explain the process and what to expect and so I do that  
25 in person and at the point that it becomes an official

1 act of the organization, that they get rolled into the  
2 Table 30, it gets rolled into the organizational chart,  
3 HR gets notified and the Chief of Staff gets notified and  
4 they officially produce the pieces. But at no time was  
5 there any requirement in law nor in policy nor by the  
6 Inspector General, who is my supervisor, for anything  
7 other than a deliberation and verbal reports on progress.

8 THE INVESTIGATOR: Excuse me a second. Is the  
9 noise here, does that bother you any on the --

10 COURT REPORTER: No. I mean, I can hear it,  
11 but it's fine.

12 THE INVESTIGATOR: Okay. Does it bother anyone  
13 in here?

14 MS. BERNARDO: Not yet.

15 THE WITNESS: Not too much.

16 COURT REPORTER: It's okay.

17 THE INVESTIGATOR: Okay, we'll let it go for  
18 the time being. Okay, please continue.

19 MR. BARATZ: Approximately how often did you  
20 meet with Mr. Bowen to discuss the reorganization?

21 THE WITNESS: I meet with Mr. Bowen several  
22 times a day. I can't disengage how many times we were  
23 talking about the reorganization, how many times we're  
24 talking about a bevy of other issues that occurs in the  
25 organization, but I meet with him on a consistent basis

1 and speak with him several times a day every day.

2 MR. BARATZ: From your just recent reviewing of  
3 your notes --

4 THE WITNESS: Um-hum.

5 MR. BARATZ: -- do you have any recollection,  
6 sitting here today, how many times you saw reorg come up?

7 THE WITNESS: I mean, we discussed it at least  
8 half a dozen times.

9 MR. BARATZ: Do you have the notes with you  
10 now?

11 THE WITNESS: I believe Andrea has excerpts of  
12 the notebooks that reflect my recollection of what was  
13 happening at the time.

14 MS. BERNARDO: Um-hum. That's what I just  
15 mentioned.

16 MR. BARATZ: So those notes cover everything  
17 relating to reorganization, because I thought earlier and  
18 it may have been on or off the record, you mentioned that  
19 those notes related to discussions with OMB.

20 THE WITNESS: That was included in there, as  
21 well. I mean, it's a journal of every single thing that  
22 I'm doing so every time OMB calls there'll be a note.  
23 OMB called and you know, a few shorthand notes that would  
24 trigger in my mind some sort of a recollection of what  
25 happened and then if there's a discussion with someone in

1 Baghdad, you know, a discussion with Ambassador Crocker  
2 regarding something else. So it's sort of an ongoing  
3 flow of various discussions and at the time, I believe  
4 Andrea was asking me well, you know, how often or what  
5 was the nature of your discussion with OMB since I have  
6 so many discussions with OMB and I can't recall off the  
7 top of my head, I went back through the notes to sort of  
8 refresh my memory and there were several instances  
9 between, I guess, June, beginning of June and August,  
10 around that timeframe, where there were multiple phone  
11 calls with OMB that I had noted in my notebook and put  
12 some feedback to.

13 MR. BARATZ: When did you give your lawyer the  
14 notes, the copy of the notes?

15 THE WITNESS: I pulled them out as we were sort  
16 of going back to recall what happened on particular days  
17 within the last two weeks when we were preparing for this  
18 hearing.

19 MR. BARATZ: And did you hand over to your  
20 lawyer a copy of all the notes from May all the way  
21 through the relevant --

22 THE WITNESS: I gave her the notebook which  
23 included the dates in question.

24 MR. BARATZ: How many notebooks was it?

25 THE WITNESS: It was one.

1 MR. BARATZ: So one notebook covered the period  
2 from May all the way through what time period did you  
3 say?

4 THE WITNESS: One notebook covers, usually,  
5 about six months. A notebook is about 300 pages. They  
6 all look like this. This is Notebook Number 12. There's  
7 a number on it, there's page numbers on it and beginning  
8 -- this begins on April 22 of 2008. Today is August and  
9 I am currently on Page 292.

10 MR. BARATZ: You said that official documents  
11 about a reorganization are not generated until HR and the  
12 Chief of Staff are notified?

13 THE WITNESS: Right.

14 MR. BARATZ: How are the Chief of Staff and HR  
15 notified?

16 THE WITNESS: I notify them verbally.

17 MR. BARATZ: Did you make a notation of that in  
18 your notebook?

19 THE WITNESS: I don't know if I did.

20 MR. BARATZ: What did you say to them in that  
21 conversation? I'm sorry, that was a little sloppy. When  
22 did you have the conversation?

23 THE WITNESS: Throughout the process of the  
24 reorganization, I had conversations with HR about the  
25 need to reflect in the Table 30 the changes that I was

1 making in the organization that would shift positions,  
2 reduce positions in the Congressional and Public Affairs  
3 department and various changes as a result of those  
4 conversations over the course of the next two months,  
5 various changes were made to the Table 30.

6 MR. BARATZ: Let's take the first meeting.  
7 When was the first meeting?

8 THE WITNESS: I don't recall.

9 MR. BARATZ: Would your notes reflect the first  
10 meeting?

11 THE WITNESS: It was not a meeting, it was a  
12 conversation.

13 MR. BARATZ: When was the first conversation?

14 THE WITNESS: I don't recall exactly.

15 MR. BARATZ: Would your notes reflect the first  
16 conversation?

17 THE WITNESS: The notes do not reflect  
18 conversations, the notes only reflect meetings. There's  
19 a certain level at which the notes don't -- I don't mark  
20 lunch, I don't mark conversations that I have with every  
21 person within the organization. If there is a scheduled  
22 meeting for an hour in the conference room with a group  
23 of people, I will make it out. But if I have 12 things  
24 to do, to run around and let General Counsel know  
25 something, let HR know something, let Public Affairs know

1 something and let the contracting officer know something,  
2 I don't mark that in the notebook. I simply go and ask  
3 them to take the appropriate action and they take the  
4 appropriate action.

5 MS. BERNARDO: Excuse me. I'm happy to have  
6 her refer to the pages that I have here if that would be  
7 of assistance or if that would be your preference.

8 MR. BARATZ: That's fine. Why don't we make  
9 copies of that?

10 MS. BERNARDO: Well, actually -- all right,  
11 then as I said, I'm very concerned about redacting  
12 because there is privacy information on them and that's  
13 my -- as I said, my hesitation with having redacting them  
14 prior to this meeting was that I didn't know what would  
15 be, you know, elicited here.

16 MR. BARATZ: My understanding of the EEO rules  
17 is that there is no privacy information, that all  
18 information is supposed to be revealed and barring that,  
19 we certainly could've reached an agreement to protect the  
20 confidentiality of that information. What I'm willing to  
21 enter into now --

22 MS. BERNARDO: I mean, it's not just about this  
23 event. There are other things in there and I think that  
24 they're, in that regard, not relevant to this case. The  
25 privacy information that is -- you're obligated to



1 protect here is in connection with this case.

2 THE WITNESS: The other thing that I would  
3 point out for the record is there could be 6(e)  
4 information in there, if there is information on an  
5 investigation which is ongoing, I will take notes in my  
6 notebook and some of that could be protected by a 6(e)  
7 grand jury. So, I mean, it is a collection of notes that  
8 I take on a variety of issues, so those things which are  
9 agency protected since we are an Inspector General I  
10 don't believe are relevant and cannot be shared in the  
11 EEO forum because I need to protect those notes, so I'm  
12 happy to share the notes that are relevant to this. I'm  
13 just saying if I have notes about an investigative  
14 target, I cannot have that published in something that  
15 does not have protection because if it gets FOIA'd, the  
16 information on that individual who is the target of the  
17 investigation then becomes public, so I have to protect  
18 that.

19 MR. BARATZ: Right.

20 MS. BERNARDO: I'm happy to have her read this  
21 to refresh her recollection.

22 MR. BARATZ: Well, but not without a copy to  
23 us.

24 MS. BERNARDO: Okay.

25 MR. LEE: And Mr. Welker, may I speak on

1 this --

2 THE INVESTIGATOR: Okay.

3 MR. LEE: We believe they should have been  
4 produced. They were relevant, they were requested by  
5 you. There's some collection of documents on the other  
6 side of the table. They don't appear to be complete.  
7 They seem to -- first, it was explained it was only about  
8 OMB. We don't know that they're all about the  
9 reorganization. We would request this record be kept  
10 open until this is resolved, we get to see the notes,  
11 study the notes and have an opportunity to at least  
12 digest what they say, see what they say about this  
13 critical witness's conversation and memory.

14 MS. BERNARDO: That would be fine with me.

15 MR. LEE: That's the request I'm making, but I  
16 don't accept their view of relevance. We need to make  
17 sure we got everything because I have no earthly idea as  
18 to why they weren't produced before.

19 MS. HALBROOKS: And as long as he was able to  
20 speak on that, if I may, as well?

21 THE INVESTIGATOR: All right.

22 MS. HALBROOKS: I assure you there was no  
23 attempt at deception and I would also -- we're happy to  
24 leave it open and get you the material and fall under a  
25 confidentiality agreement, however you want to do it. We

1 can let you look at the books once we've looked at them,  
2 ourselves, et cetera. But I might suggest that since  
3 we're here and she's on the record and Mr. Welker's here  
4 that it might help, I think that the content may be over-  
5 exaggerated and that it might help for her to go through  
6 each one and say what she thought was valuable off that  
7 page not in lieu of later producing them, but just while  
8 we're here. That was just --

9 MR. LEE: I have a preference to do it once,  
10 not twice.

11 THE INVESTIGATOR: And again, what we're  
12 talking about are just Ms. Cruz's personal notes and I  
13 think --

14 THE WITNESS: Um-hum, my personal notes.

15 THE INVESTIGATOR: Well, not personal. Yeah,  
16 but --

17 THE WITNESS: Well, they are my personal notes.

18 THE INVESTIGATOR: -- ones you personally took.

19 THE WITNESS: I mean, you know, I -- sometimes  
20 if Mom calls and I don't have enough time to get out  
21 another piece of paper, it'll say call Mom, so I mean,  
22 that's in there, too.

23 THE INVESTIGATOR: And we have all the pages of  
24 relevance already copied. I think you have them?

25 MR. LEE: No.

1 MS. HALBROOKS: Not for distribution?

2 MR. BARATZ: No.

3 THE INVESTIGATOR: Well, yeah. But I saw,  
4 Ms. Halbrooks, you had -- or Bernardo. You had some  
5 documents here.

6 MS. BERNARDO: Correct.

7 THE INVESTIGATOR: It looks like you've made --

8 MS. BERNARDO: Correct.

9 THE INVESTIGATOR: -- copies.

10 MS. BERNARDO: Correct.

11 MR. BARATZ: But the difficulty with those  
12 documents, they're saying is that they're not in redacted  
13 form and so while Ms. Cruz could look at them and  
14 possibly refresh her recollection and it's material she  
15 looked at to prepare for her testimony for over two  
16 weeks, we haven't had any copies and there appears to be  
17 no copy that they could easily produce in the  
18 investigative record or --

19 MS. BERNARDO: I'm happy to provide them  
20 tomorrow. It's no problem.

21 THE INVESTIGATOR: Okay. That's what I was  
22 trying to --

23 MS. HALBROOKS: If you want to take a half hour  
24 break, perhaps we could do it today with some White Out.  
25 You know, I mean we're not trying to --

1 MS. HUHRA: Well, I think we should keep going  
2 and turn back to that issue.

3 THE INVESTIGATOR: Okay. We'll try to get  
4 copies of those for me and the Complainant's  
5 representatives at the end of the day.

6 MR. BARATZ: And just so we're clear on this  
7 topic, other than the Table 30 and the notes that you  
8 took in your notebook --

9 THE WITNESS: Um-hum.

10 MR. BARATZ: -- are there any other documents  
11 whatsoever that you generated, received, reviewed that  
12 relate to reorganization at SIGIR?

13 THE WITNESS: Not to my recollection, no.

14 MR. BARATZ: You cited earlier in your  
15 testimony the cost of Ms. Redmon, for example, to SIGIR.  
16 What information did you draw on to get that -- those  
17 numbers?

18 THE WITNESS: Her contractual costs, which were  
19 outlined in the BCPI contract.

20 MR. BARATZ: So Ms. Redmon was specifically  
21 mentioned in the BCPI contract?

22 THE WITNESS: Ms. Redmon's employment with  
23 SIGIR was through a company called BCPI --

24 MR. BARATZ: Um-hum.

25 THE WITNESS: -- and so she was paid at a

1 certain rate on the BCPI contract for her services to  
2 SIGIR.

3 MR. BARATZ: And you had mentioned also that  
4 having employees of SIGIR is less expensive than going  
5 through the contract services?

6 THE WITNESS: Um-hum, it is.

7 MR. BARATZ: So why have all these employees  
8 through the contractor?

9 THE WITNESS: Because over the course of five  
10 years SIGIR has faced closure five different times and so  
11 as SIGIR faces closure, our ability to offer full-time  
12 employment to individuals has been remarkably restricted.  
13 So for -- and it's a very complicated procedure that we  
14 have managed to refine over this period of four years.  
15 When it comes to auditors and investigators, it's fairly  
16 easy to find retirees who don't mind the fact that  
17 they're going to get a 13-month temporary appointment  
18 that may end short of the 13 months and so they're  
19 willing to come on as government employees.

20 But when you're looking for more generic skill  
21 sets such as secretaries, assistants, you know, writers,  
22 editors, positions that don't require us to go to  
23 retirees or people with a lot of expertise, it's  
24 difficult to find people that want to work for an  
25 organization when they cannot be given any sort of

1 assurance that they will have a job three months from  
2 now, much less 13 months from now. And so as a result,  
3 SIGIR has relied heavily on two other forms of hiring.  
4 One of them is the detailee process in which we borrow  
5 employees from other federal agencies and reimburse them,  
6 and the other is the contractual process and so a lot of  
7 our administrative staff over the course of our history  
8 have been contract staff because we're not able to  
9 attract and retain government employees. People are not  
10 going to give up a permanent job in the government, come  
11 and work for SIGIR for 13 months or less and so we've  
12 relied on contractor employees for quite a period of  
13 time.

14           We have tried very hard every time the Congress  
15 extends us to shift that back and to convert as many  
16 positions as we can to government employees and we were  
17 able to quite successfully, with the passage of the  
18 latest legislation which extended SIGIR for up to five  
19 years, now we're able to at least explain to people who  
20 want to come to work for SIGIR that the organization will  
21 be around for longer than 12 months. But over the last  
22 five years, I've never been able to have our HR people  
23 tell the folks who applied for jobs that there was any  
24 expectation that SIGIR was going to be around for more  
25 than 12 months, that it's a temporary organization and

1 has a very dynamic sort of a life span.

2 MR. BARATZ: You mentioned earlier you drew a  
3 distinction between meetings and conversations.

4 THE WITNESS: Um-hum.

5 MR. BARATZ: I believe you testified that  
6 conversations were on the phone and you don't typically  
7 take notes.

8 THE WITNESS: Um-hum.

9 MR. BARATZ: Meetings are in-person or  
10 scheduled and you do --

11 THE WITNESS: Not --

12 MR. BARATZ: -- typically take --

13 THE WITNESS: I'm sorry.

14 MR. BARATZ: And you do typically take notes.

15 THE WITNESS: It's not very cut and dried. I  
16 mean, there are some phone conversations where if I need  
17 very specifically to recall the details of a phone  
18 conversation, I will take notes of the phone conversation  
19 so I can convey it accurately to the Inspector General.  
20 If it's a conversation external to the organization such  
21 as a conversation with OMB, I will very likely take  
22 notes. If it's a conversation with my HR director, I  
23 will very likely not take notes because I'm just  
24 providing instructions on her and I expect that the  
25 record will be reflected when she actually accomplishes



1 the task that she was directed to do.

2 MR. BARATZ: Did you have any meetings with  
3 your HR director about the reorganization?

4 THE WITNESS: I spoke with my HR director about  
5 the reorganization throughout the course of the process.

6 (Off the record.)

7 (On the record.)

8 THE INVESTIGATOR: On the record. It's 2:37.  
9 We were off the record for a couple minutes for technical  
10 difficulties and Mr. Baratz.

11 MR. BARATZ: The last question was whether you  
12 had any meetings with your HR director. Who's your HR  
13 director?

14 THE WITNESS: Janice Nisbet.

15 MR. BARATZ: Did you have any face-to-face  
16 meetings with her about the reorganization?

17 THE WITNESS: I did.

18 MR. BARATZ: When were those meetings?

19 THE WITNESS: I wouldn't classify it as  
20 meetings. I had conversations with her over the period  
21 of time between June and August of 2007 to both obtain  
22 information from her on the current footprint within the  
23 Table 30 and after decisions were made on HR changes to  
24 provide her feedback on changes that would need to be  
25 made to the Table 30.

1 MR. BARATZ: Did you consult with her on what  
2 decisions would be made on the Table 30?

3 THE WITNESS: She is a subordinate employee and  
4 she is not involved in policy. She executes the policy  
5 that is at the discretion of the Inspector General, so in  
6 terms of consulting, I certainly received feedback on her  
7 views of where the organization currently was on the  
8 Table 30, but she was not part of the deliberative policy  
9 process.

10 MR. BARATZ: Who was part of the deliberative  
11 policy process?

12 THE WITNESS: Myself and the Inspector General.

13 MR. BARATZ: And the Chief of Staff, who was  
14 the Chief of Staff at the time?

15 THE WITNESS: Nick Arnston.

16 MR. BARATZ: Was he part of the process?

17 THE WITNESS: No, he was not.

18 MR. BARATZ: You said that the Chief of Staff  
19 needed to be notified of HR decisions.

20 THE WITNESS: He executed the decision once the  
21 decision was made by the Inspector General.

22 MR. BARATZ: And how did you notify the Chief  
23 of Staff of an HR decision?

24 THE WITNESS: Verbally.

25 MR. BARATZ: Was that over the phone?

1 THE WITNESS: No, in person.

2 MR. BARATZ: When?

3 THE WITNESS: In that timeframe in which the  
4 decision was made to execute the reorganization plan. I  
5 can't remember the exact day.

6 MR. BARATZ: Were you concerned at all about  
7 your instructions not being followed or being  
8 misunderstood?

9 THE WITNESS: No.

10 MR. BARATZ: Why is that?

11 THE WITNESS: We had made the notification, we  
12 had informed General Counsel. General Counsel was there  
13 during the notification of Ms. Burgess, at which point  
14 the Chief of Staff was requested to prepare the letter,  
15 was notified that Ms. Burgess's position had been  
16 eliminated, was given the terms of what we would be  
17 doing. He drafted the responses that needed to occur  
18 from the agency and those were vetted back to ensure that  
19 his recollection was accurate. The draft of the letter  
20 for Ms. Burgess was run back through me. I reviewed it,  
21 it was accurate, it was run through General Counsel.  
22 They reviewed it, felt it was accurate and then it was  
23 issued.

24 MR. BARATZ: That's the letter that resulted  
25 from the July 23 meeting with Ms. Burgess?

1 THE WITNESS: Yes.

2 MR. BARATZ: And did you take notes during the  
3 July 23 meeting?

4 THE WITNESS: I believe I had about two or  
5 three lines of notes.

6 MR. BARATZ: And what do they say?

7 THE WITNESS: I believe it was 3:20 p.m. was in  
8 the left side. It said Denise Burgess. It said not  
9 performance issues and then there was one other line and  
10 that was it.

11 MS. BERNARDO: That's fine.

12 MR. BARATZ: That's a specific note we'd make a  
13 request for.

14 MS. BERNARDO: Oh, that's fine.

15 THE WITNESS: I mean, not to rat out General  
16 Counsel's office, but at the time we were going through  
17 sort of a General Counsel changeover at the time. You  
18 know, that one piece of note taking, I believe I provided  
19 that one sheet because that was that particular day of  
20 notes to the Office of General Counsel.

21 MR. BARATZ: Um-hum.

22 THE WITNESS: Internally, no excuse, but we've  
23 had a changeover in General Counsel, so there are some  
24 records that perhaps, you know, have not -- I mean, the  
25 agreement on settlement amount and things like that, I

1 | believe were made with the former General Counsel who no  
2 | longer works here. The recordkeeping may not have been  
3 | as good as it should have been but the intent was never  
4 | not to provide that.

5 | MR. BARATZ: Did you keep the note in your  
6 | notebook?

7 | THE WITNESS: Yes.

8 | MR. BARATZ: So you made a copy, one copy, and  
9 | you gave it to General Counsel?

10 | THE WITNESS: Um-hum.

11 | MR. BARATZ: Now, you explained that for  
12 | Ms. Burgess's termination you weren't concerned about  
13 | your instructions with dealing with the HR decision being  
14 | confused at all. You also told us that about 10 people  
15 | were involved in this reorganization.

16 | THE WITNESS: Right.

17 | MR. BARATZ: How did you issue instructions for  
18 | all 10 of those people?

19 | THE WITNESS: The instructions for all of the  
20 | individuals varied on the situations in which the people  
21 | were handled. In the case of the contractors, the  
22 | instructions were given, I believe, both verbally and  
23 | then followed up with in an e-mail to make sure that the  
24 | people who were rolled off contract were rolled off and  
25 | the people who were permanized were permanized.

1 MR. BARATZ: And let me just stop you there.

2 THE WITNESS: Um-hum.

3 MR. BARATZ: So you issued the instruction to  
4 the contractor?

5 THE WITNESS: I issued the instruction to the  
6 SIGIR individual who was the Contracting Officer  
7 Technical Representative. That individual then notified  
8 the contractor, who I believe was Ben Campbell, who then  
9 -- who was at the head of that contract vehicle whose job  
10 it was then to notify the individual. So at no point, I  
11 don't believe, was anyone from SIGIR supposed to notify  
12 Patricia Redmon. That's not the way that the contracting  
13 goes. I would notify the Contracting Officer Technical  
14 Representative, who would then notify whoever held that  
15 contract vehicle with the following people who were  
16 rolled off and that we were going to be offering  
17 government jobs to the following people.

18 MR. BARATZ: Did you have any conversations  
19 with Mr. Campbell about --

20 THE WITNESS: I did not have any conversations  
21 with Mr. Campbell.

22 MR. BARATZ: And did you tell Ms. Burgess --  
23 excuse me. Did you tell Ms. Burgess about Ms. Redmon  
24 being let go prior to Ms. Redmon knowing?

25 THE WITNESS: I believe I shared it the day

1 before the instructions were given. I mean, I believe I  
2 felt that it was necessary to let Denise know before I  
3 actually notified the Contracting Officer Technical  
4 Representative, but it was roughly the same time because  
5 part of my concern at the time was the fact that Denise  
6 had told me that she was friends with Patricia and what I  
7 didn't want to happen was for me to convey that to  
8 someone who would then tell her friend versus the  
9 appropriate way that the agency was required to notify,  
10 which is by notifying the Contracting Officer Technical  
11 Representative.

12 MR. BARATZ: And so does Thursday, July 19th,  
13 2007, does that sound about right when you had this  
14 conversation with Ms. Burgess?

15 THE WITNESS: It sounds about right.

16 MR. BARATZ: And what do you recall the  
17 substance of that conversation to be?

18 THE WITNESS: I believe it was a very short  
19 conversation because I didn't want to get into the  
20 details and it was a pretty straightforward notification  
21 that we were going to be rolling Patricia off because  
22 there were some decisions that were made with regard to  
23 our contract employees.

24 MR. BARATZ: Do you remember, to the best of  
25 your recollection, what you said?

1 THE WITNESS: I don't recall specifically.

2 MR. BARATZ: Do you remember what Ms. Burgess  
3 said to you?

4 THE WITNESS: I don't. I mean, I can recall  
5 that it was a short conversation. I can recall, at the  
6 time, that I was involved in several conversations. I  
7 mean, at that point, I also knew that I would be asking  
8 Ms. Burgess to leave, as well, so I was trying to be very  
9 -- you know, it's hard when you release several people to  
10 not discuss the release of one person because then it  
11 causes rumors in the organization, so whenever you're  
12 talking about a reorganization and you're releasing  
13 multiple people at the same time, you have to be very  
14 diplomatic. I don't want to lie to someone.

15 For example, the reason that she, in her claim,  
16 erroneously states that no changes were made to  
17 Congressional Affairs was because she asked me very  
18 specifically, during our conversation, about her being  
19 reorganized, are any changes being made in Congressional  
20 Affairs. At the time I said I don't wish to discuss any  
21 changes that are being made in Congressional Affairs and  
22 I was very specific about the words that I used because  
23 it was not Ms. Burgess's right to know that I was making  
24 any changes in Congressional Affairs. And as a manager  
25 with 15 years of experience, I didn't want to tell Denise



1 that I had the intention of letting Marthena go, as well,  
2 and then have Denise be the one who walked into  
3 Marthena's office and say hey, Ginger's going to let you  
4 go. I mean, I wanted to be the one who told Marthena she  
5 only had a month, she needed to find another job.

6 So, you know, I have the confidentiality, I  
7 have -- you know, it's a very difficult position to be in  
8 and I tried to treat all of the employees and all of the  
9 contractors that we have in the organization with dignity  
10 and respect and part of that dignity and respect is not  
11 discussing other terminations with the individual with  
12 whom I'm discussing one termination.

13 So there were a lot of moving parts at the  
14 time, there were a lot of contractors rolling off, a lot  
15 being permanized, several government officials being  
16 asked to leave and I was trying to be as diplomatic as  
17 possible.

18 MR. BARATZ: You didn't tell Ms. Burgess at  
19 that Thursday meeting that she, too, was going to be  
20 terminated as part of the reorganization --

21 THE WITNESS: I did not tell her.

22 MR. BARATZ: Why not?

23 THE WITNESS: Because I had not cleared it with  
24 General Counsel yet and I wanted to make sure that when I  
25 discussed General Counsel the manner in which I was going

1 to inform Ms. Burgess about her reorganization. In the  
2 case of the contractors, it's a different issue.  
3 Contractors were being rolled off; that's not an issue of  
4 terminating someone's employment. Rolling contractors on  
5 and off is something that constantly occurs and is a  
6 natural part of contract employees. The actual  
7 termination of Ms. Burgess, I wanted to make sure was  
8 discussed with the Office of General Counsel before it  
9 occurred and I did have a discussion with Pat Bowers and  
10 I did ask him to sit in.

11 I ran through how I was going to do it, the  
12 reasons for doing it, to make sure that I was doing was  
13 appropriate and asked Mr. Bowers for his input, which he  
14 provided, and then I asked him to sit in on the meeting.  
15 I scheduled the meeting with Denise and tried to do this  
16 in the most appropriate fashion that I felt possible.

17 MR. BARATZ: Why contact the General Counsel?

18 THE WITNESS: To make sure that all the  
19 processes were appropriately reviewed. We want to make  
20 sure that we're following the law. We want to make sure  
21 that we're not, you know, violating any policies and we  
22 want to make sure that we are doing what we're doing in  
23 the most appropriate manner possible.

24 MR. BARATZ: Did you confer with the General  
25 Counsel about Marthena's termination?

1 MS. BERNARDO: At this point, you're getting  
2 into attorney/client privileges.

3 MR. BARATZ: I would disagree. This is just on  
4 the subject. I'm not asking what the nature of the legal  
5 advice is, whatsoever. I'm asking if there was a  
6 meeting. Did you meet with the General Counsel, as well,  
7 on Marthena's --

8 THE WITNESS: There wasn't a meeting, per se.  
9 The General Counsel was aware that we were doing a  
10 reorganization. They were aware of the scope of the  
11 reorganization and the individuals involved.

12 MR. BARATZ: Did the General Counsel attend the  
13 meeting with Marthena when you let her go?

14 THE WITNESS: No, they did not.

15 MR. BARATZ: Why did the General Counsel attend  
16 the meeting with Ms. Burgess?

17 THE WITNESS: Because the nature in which Ms.  
18 Burgess was fired was slightly different from the nature  
19 in which Marthena Cowart was fired. The benefits  
20 provided to the two was exactly the same. However, the  
21 termination of Denise Burgess was performed in such a  
22 manner that we could not have the person who does all of  
23 the external relations for the organization be notified  
24 that they're being terminated and have them continue to  
25 hold a position of trust and speak for the organization.

1 Obviously, that person is going to have bad feelings  
2 toward the agency and it is not good management practice  
3 to notify someone that they have been terminated and then  
4 to let them continue to be the agency's spokesperson with  
5 the media. So in the case of Denise Burgess we felt the  
6 most appropriate thing to do was to give her  
7 administrative leave and to have her continue to be paid,  
8 but to seek employment outside the agency but removed  
9 from the position of being able to speak for the agency  
10 because it's just not good management practice to  
11 terminate someone and have them continue to speak for the  
12 agency.

13 MR. BARATZ: Marthena was in Congressional  
14 Affairs, right?

15 THE WITNESS: She was in Congressional Affairs.

16 MR. BARATZ: And your relationship with the  
17 Congress is very important, right?

18 THE WITNESS: Yes, it is.

19 MR. BARATZ: And yet she was allowed to stay on  
20 with the organization after being notified that she, too,  
21 was going to be terminated.

22 THE WITNESS: In terms of financial --

23 MR. BARATZ: Is that right?

24 THE WITNESS: She was allowed to stay, yes.

25 MR. BARATZ: When did you speak with the

1 General Counsel about Ms. Burgess's termination?

2 THE WITNESS: My recollection is it was the  
3 Friday before when I sent the e-mail requesting her to  
4 attend a meeting.

5 MR. BARATZ: The Friday before what?

6 THE WITNESS: Before the Monday in which she  
7 was notified.

8 MR. BARATZ: So that would be July 20th?

9 THE WITNESS: I believe. 23rd, 22, 21, 20.  
10 Um-hum.

11 MR. BARATZ: And did you -- I'm sorry?

12 MS. BERNARDO: Wasn't the 23rd a Monday?

13 MR. BARATZ: Yes.

14 MS. HUHRA: The 23rd's a Monday. Friday would  
15 be --

16 MR. BARATZ: Did you take notes of that  
17 discussion with the General Counsel?

18 THE WITNESS: I did not.

19 MR. BARATZ: When did you request the meeting?

20 THE WITNESS: I was in the office with the  
21 Inspector General. I was briefing him on the final  
22 decision to make the notification. He concurred and said  
23 -- I don't remember if it was his idea or my idea, but we  
24 wanted to make sure that the General Counsel was notified  
25 and so in the Inspector General's office, we called the

1 General Counsel, who at the time was Pat Bowers, asked  
2 him to join us in the Inspector General's office, briefed  
3 him on what we had planned to do, asked for him to review  
4 it and let us know if there were any issues or if there  
5 was anything that we needed to make sure that we did to  
6 do this appropriately. He did that and then on Monday I  
7 requested that he join me for the meeting with Ms.  
8 Burgess when I was making notification.

9 MR. BARATZ: Why did you ask that the General  
10 Counsel join you for the meeting?

11 THE WITNESS: I felt that it would be prudent  
12 to do and appropriate to do, and the fact that Denise  
13 Burgess had that morning also sent an e-mail and she  
14 seemed to be copying quite a lot of her correspondence to  
15 the General Counsel's office made me feel that it was  
16 important for transparency, to ensure that everything  
17 that was done was fully understood by the agency and by  
18 the General Counsel's office, I felt it was prudent to  
19 have the General Counsel there.

20 MR. BARATZ: So Friday, July 20th, you have a  
21 meeting with the Inspector General, the General Counsel  
22 and yourself.

23 THE WITNESS: Um-hum.

24 MR. BARATZ: Anyone else present?

25 THE WITNESS: No.

1 MR. BARATZ: And at that meeting you are

2 discussing the termination of Ms. Burgess --

3 THE WITNESS: Yes.

4 MR. BARATZ: -- and how to notify her?

5 THE WITNESS: Right.

6 MR. BARATZ: How did you set up that meeting?

7 Did you send an e-mail?

8 THE WITNESS: No.

9 MR. BARATZ: Just phone calls?

10 THE WITNESS: Yes.

11 MR. BARATZ: When did you first inform the

12 Inspector General that it was your recommendation to

13 terminate Ms. Burgess?

14 THE WITNESS: I first began discussing with the

15 Inspector General the reorganization of the entire

16 organization in mid-June.

17 MR. BARATZ: But when did you first inform him

18 that it was going to be your recommendation to terminate

19 Ms. Burgess?

20 THE WITNESS: It was roughly two weeks before

21 the final termination action was taken.

22 MR. BARATZ: Did you take notes of that

23 meeting?

24 THE WITNESS: No.

25 MR. BARATZ: So two weeks before you have a

1 discussion with the Inspector General?

2 THE WITNESS: Yes.

3 MR. BARATZ: Anyone else?

4 THE WITNESS: No.

5 MR. BARATZ: When did you meet?

6 THE WITNESS: The Inspector General and I meet  
7 multiple times a day, so I can't specifically recall when  
8 that conversation was held. I do know it was about two  
9 weeks prior to the decision.

10 MR. BARATZ: Do you recall if it was in the  
11 morning or afternoon?

12 THE WITNESS: I don't recall.

13 MR. BARATZ: Do you recall how long of a  
14 meeting it was?

15 THE WITNESS: It wasn't a meeting on one  
16 specific topic. I think it was in the course of  
17 discussing a wide range of issues that it was discussed  
18 with the Inspector General.

19 MR. BARATZ: How much time did it take in that  
20 meeting to discuss Ms. Burgess's position?

21 THE WITNESS: There was a lot of discussion  
22 going on at the time about reorganization and it didn't  
23 include just Ms. Burgess. It included Marthena Cowart,  
24 it included Paul Janizac (phonetic sp.), it included the  
25 contractors, it included a wide range of individuals and



1 so there were ongoing discussions for several weeks at  
2 that point.

3 MR. BARATZ: In that meeting two weeks before,  
4 about approximately how much time did you and the  
5 Inspector General spend discussing the reorganization?

6 THE WITNESS: We spent several hours over the  
7 course of two weeks discussing various aspects of the  
8 reorganization.

9 MR. BARATZ: That's several hours over the  
10 course of two weeks. What about in this one particular  
11 meeting where you first informed him?

12 THE WITNESS: That was not a discreet meeting.  
13 I did not call a discreet meeting at a discreet time to  
14 simply discuss the termination of one employee. Most of  
15 the conversations --

16 MR. BARATZ: I'm sorry --

17 THE WITNESS: -- included all of the  
18 terminations.

19 MR. BARATZ: I thought maybe you misunderstood  
20 my question. I was speaking about the entire  
21 reorganization.

22 THE WITNESS: The entire reorganization, there  
23 were multiple meetings over the course of several weeks  
24 in which it was discussed.

25 MR. BARATZ: Well, I tried to ask you this

1 before. When did you first meet about reorganization?

2 What exactly is the timeline?

3 THE WITNESS: The first notes that I have --  
4 and I'm going to have to refer to the notes which we're  
5 going to provide you -- do you have those notes?

6 MS. BERNARDO: Um-hum.

7 THE WITNESS: I mean, because this was a long  
8 time ago and we do a lot of different things and I can't  
9 recall specifically, but --

10 MR. BARATZ: That's why usually documents are  
11 helpful on reorganization, personnel decisions.

12 MS. HALBROOKS: You're welcome to come work  
13 with us for a while and see how fast we --

14 MS. BERNARDO: There's the drawing --

15 THE WITNESS: That one.

16 MS. BERNARDO: And this one I think I'd be  
17 happy --

18 THE WITNESS: Thank you.

19 MS. BERNARDO: -- to release right now, since  
20 that doesn't --

21 THE WITNESS: June 20th of '07.

22 MR. BARATZ: What happened on June 20th, 2007?

23 THE WITNESS: On June 20th of '07 I came up  
24 with the first concepts of how to -- different ways in  
25 which the organization could reorganize and streamline

1 and so shortly after June 20th, I don't know if I  
2 discussed it with him that day, I don't know if I  
3 discussed it with him the day before, the day after, but  
4 roughly about June 20th was when I began to put some  
5 concepts together for how the organization could function  
6 more efficiently with a different footprint.

7 MR. BARATZ: What precipitated that?

8 THE WITNESS: The impending announcement of my  
9 assumption of the deputy position, which was announced by  
10 the Inspector General on the 22nd of June.

11 MR. BARATZ: Did you have meetings before  
12 June 22nd?

13 THE WITNESS: On the reorganization, no.

14 MR. BARATZ: Did you have meetings with the  
15 Inspector General prior to June 22nd that would discuss  
16 your duties?

17 THE WITNESS: Meetings or conversations?

18 MR. BARATZ: Well, let's start with meetings.

19 THE WITNESS: I don't recall a specific  
20 scheduled meeting with the Inspector General to discuss  
21 that, no.

22 MR. BARATZ: And what's the difference in your  
23 mind between meetings and conversations?

24 THE WITNESS: A meeting is something official  
25 which has a timeframe of either half an hour or an hour,

1 sometimes more. It's on his calendar, it's put in  
2 Outlook, it's usually conducted either in a conference  
3 room or in his office and it usually includes people  
4 other than the Inspector General and myself. The  
5 deliberative process, the deliberative consultative  
6 process that I have with the Inspector General includes  
7 multiple conversations per day that are not meetings,  
8 it's just an ongoing conversation. As he has questions,  
9 he will either call me into his office, he will use the  
10 phone, he will send an e-mail and the topics could range  
11 from an audit to a quarterly report to a question about a  
12 news clip.

13 MR. BARATZ: The deliberative process on  
14 reorganization, which category did that fall into based  
15 on what you just described?

16 THE WITNESS: The discussion of the  
17 reorganization was part of the general discussion about  
18 management of the organization. You can't really -- it's  
19 like disentangling, you know, how much of your day do you  
20 spend walking. I mean, you walk at certain points  
21 throughout the day. You can't say I specifically spent  
22 12 minutes walking today and 15 minutes sitting down  
23 because it's interspersed.

24 MR. BARATZ: So there were no scheduled  
25 meetings?

1 THE WITNESS: There were no scheduled meetings  
2 with the IG, but none of my meetings with the IG are  
3 scheduled, per se.

4 MR. BARATZ: Were there any scheduled meetings  
5 with anyone within the organization other than the one  
6 you described with the General Counsel, Inspector  
7 General, about reorganization?

8 THE WITNESS: No.

9 MR. BARATZ: So the one meeting that you had  
10 about reorganization, which was on Friday, July 20th,  
11 2007, which had you, the Inspector General and the  
12 General Counsel was about notifying Ms. Burgess about her  
13 termination?

14 THE WITNESS: Yes.

15 MR. BARATZ: The drawing that you --

16 MR. LEE: Show it to Mr. Welker.

17 THE INVESTIGATOR: And for the record, Ms. Cruz  
18 has provided a copy from her notes from a meeting. Looks  
19 like it's dated June of 2007, Page 178, in her  
20 handwriting are documented on the page.

21 MR. BARATZ: When was the first time you  
22 proposed to the Inspector General to terminate  
23 Ms. Burgess?

24 THE WITNESS: The specific termination of  
25 Ms. Burgess, I believe I broached the subject about two

1 weeks prior to the actual termination.

2 MR. BARATZ: And what did you say and what did  
3 he say?

4 THE WITNESS: I believe I briefed to him the  
5 need to reorganize the division. I felt that it would be  
6 more efficient if we had one person doing it and we could  
7 have a significant cost savings and I believed that OMB  
8 would be a lot more willing to cooperate with us and  
9 submit a budget request for the follow-on year if we  
10 demonstrated that we were downsizing our administrative  
11 and support staff in order to focus on audits and  
12 inspections. He concurred with that concept and I had  
13 mentioned that that meant that I would need to terminate  
14 Denise Burgess and he said -- and he was, you know,  
15 wanted to make sure that I had a good reason for it.

16 And so his comment to me at the time was how is  
17 the division going to operate with one person and so I  
18 explained my view that if we had one person who was not a  
19 manager, who was a line person who could handle media  
20 requests, that we could continue to perform the function  
21 adequately and meet our mission but with a smaller number  
22 of people. And he said if that's your decision and you  
23 feel that that's the most appropriate way for the  
24 organization to function effectively and you think it's  
25 necessary, then I concur with it. So he reviewed the

1 decision as presented by me and he concurred with it.

2 MR. BARATZ: What was the basis for believing  
3 that eliminating Public Affairs would make OMB more  
4 favorable to your budget requests?

5 THE WITNESS: It wasn't just Public Affairs.  
6 At the time it was Public Affairs, Congressional Affairs  
7 and the administrative staff that -- where the changes  
8 were made, and the contracting. I mean, there were four  
9 different changes that were made and there was -- I  
10 believe they were submitted for the record, a series of  
11 e-mails that went back and forth in which OMB asked us  
12 very specifically to provide backup information on how we  
13 arrived at our numbers and there was a split between the  
14 number of what we call core personnel, which are people  
15 who do audits, inspections, investigations and write the  
16 quarterly report, and support personnel, which are those  
17 people who perform Congressional affairs, public affairs  
18 or any extraneous non-mission, non-core mission areas.

19 MR. BARATZ: What was the total amount of money  
20 that this reorganization saved you?

21 THE WITNESS: At the end of the day, it was --  
22 the target was \$2 million and at the end of the day we  
23 came under budget and we did achieve the \$2 million worth  
24 of savings.

25 MR. BARATZ: And --

1 THE INVESTIGATOR: Let me make a comment here.

2 Your questioning's not out of line, but it's so very  
3 detailed. I'm just going to ask if you can condense it  
4 somewhat knowing that we have to allow the other side to  
5 ask questions and also have witnesses waiting outside.

6 MR. BARATZ: And in this chart that you drew on  
7 June 20 of 2007 --

8 THE WITNESS: Um-hum.

9 MR. BARATZ: -- it appears that Public Affairs  
10 is still a separate department in at least those -- your  
11 initial take and your initial thoughts, is that right?

12 THE WITNESS: Um-hum. It was one of the  
13 options that was looked at, yes. And that also has three  
14 deputies, which is not what we ended up with. What this  
15 shows of the deliberative process is not a neat, clean  
16 one. I mean, at the time there were several options that  
17 were looked at, there were several issues.

18 I think all this demonstrates is that on June  
19 20th I began a process in which I evaluated several  
20 different models in order to determine which would be the  
21 most appropriate model. I reviewed the existing Table 30  
22 as provided by Janice Nisbet. I reviewed a lot of the  
23 documents that I had in my files, the old Table 30s, the  
24 old organizational charts, and did a significant amount  
25 analysis on my own to determine what recommendation I



1 would eventually make to the Inspector General.

2 MR. BARATZ: At what point in your deliberative  
3 process did you decide to eliminate Public Affairs?

4 THE WITNESS: The final decision I made to the  
5 Inspector General, roughly two weeks before I actually  
6 executed the termination.

7 MR. BARATZ: Did you have a file where you kept  
8 all of the Table 30s and all of your analysis?

9 THE WITNESS: I had a file at the time as I  
10 worked through it, but once I was done and the decision  
11 had been made, the file -- I mean, they were printouts.  
12 I scribbled on the printouts once I was done. Those were  
13 all shredded.

14 MR. BARATZ: Did you send Ms. Burgess an e-mail  
15 on Friday, July 20th asking for a meeting on Monday?

16 THE WITNESS: I did.

17 MR. BARATZ: Has that e-mail been produced?

18 THE WITNESS: I believe it was. If it was  
19 around. I don't know that I kept it, but I did send the  
20 e-mail on Friday asking her to see me on Monday because  
21 on Friday I went into the Inspector General's office, we  
22 called in the General Counsel, I briefed both the  
23 Inspector General and the General Counsel on my desire to  
24 inform Ms. Burgess on Monday that we were reorganizing  
25 and her position would be eliminated.

1 MR. BARATZ: That's after Ms. Burgess

2 complained to you about Ms. Redmon's termination on  
3 Thursday, right?

4 THE WITNESS: That was coincidental.

5 MR. BARATZ: But that's correct, right? This  
6 whole timing, right, Thursday Ms. Burgess complains to  
7 you about Ms. Redmon's termination, right?

8 THE WITNESS: I believe that's the timing of  
9 the e-mail, yes.

10 MR. BARATZ: And not the e-mail, the oral  
11 conversation you had?

12 THE WITNESS: I believe that's what she said  
13 and I won't dispute it.

14 MR. BARATZ: And then on Friday you have a  
15 meeting with the Inspector General and with the General  
16 Counsel about Ms. Burgess's termination and how to notify  
17 her?

18 THE WITNESS: Right.

19 MR. BARATZ: And then you're now saying that  
20 you sent an e-mail on Friday about a meeting for Monday  
21 but there's no e-mail in the record as of now.

22 THE WITNESS: There should be an e-mail in the  
23 record. I think it's just a matter of us finding it, but  
24 I don't -- I didn't keep a copy of it.

25 MS. BERNARDO: Let me address that. I have

1 never seen an e-mail -- seeing Ms. Burgess's response,  
2 the inference being that there was a request for a  
3 meeting. I never -- it never came up. We got -- to the  
4 extent we had to produce --

5 THE INVESTIGATOR: I don't see it in the  
6 record.

7 MS. BERNARDO: Yeah.

8 MR. BARATZ: Just so that the record is clear  
9 and I believe it's Page 301, there's no reference  
10 whatsoever to some type of follow-up meeting. It's  
11 Ms. Burgess asking for a meeting and asking for a meeting  
12 to discuss the serious concerns about the fairness and  
13 equality of Ms. Redmon's termination. That's the Monday  
14 morning meeting now.

15 THE WITNESS: I scheduled a meeting on Monday  
16 to discuss with her her termination.

17 MR. BARATZ: When did you schedule that  
18 meeting?

19 THE WITNESS: I scheduled it on Friday. I  
20 don't recall if it was via e-mail or via phone. It  
21 might've been via phone.

22 MR. BARATZ: What was the -- what did you state  
23 the purpose of the meeting to be?

24 THE WITNESS: I did not state the purpose of  
25 the meeting. I said that I needed to have a meeting with

1 her and was she available that day to meet and I don't  
2 recall exactly -- I don't know if she then notified me  
3 that she might have a scheduling conflict and the time  
4 might not be appropriate and I said that was fine,  
5 whenever she could meet with me, we needed to meet on  
6 Monday. And part of the reason that I needed to meet on  
7 Monday was because I was leaving for Baghdad that evening  
8 and I needed to accomplish this in person.

9 MR. BARATZ: And why you and why not the  
10 Inspector General?

11 THE WITNESS: Because I was her supervisor.

12 MR. BARATZ: Thank you, Mr. Welker.

13 THE INVESTIGATOR: Okay.

14 MR. BARATZ: I have no further questions.

15 THE INVESTIGATOR: All right. Ms. Bernardo, if  
16 you have any questions, you may ask them.

17 MS. BERNARDO: Is there anything you want to  
18 add?

19 THE WITNESS: One thing that I will note is  
20 that Kris Belisle had already been offered the job by the  
21 time that I received the e-mail from Denise Burgess  
22 regarding Patricia Redmon.

23 MS. BERNARDO: Okay.

24 THE WITNESS: And there's an e-mail on the file  
25 from Kris Belisle on Friday confirming that she was

1 sending me her resume.

2 THE INVESTIGATOR: I'll give you a chance if --  
3 did you have any additional questions?

4 MS. BERNARDO: No.

5 THE INVESTIGATOR: Mr. Baratz.

6 MR. BARATZ: When was Ms. Belisle hired?

7 THE WITNESS: I had discussions with her that  
8 week beginning, I believe it was Monday or Tuesday, where  
9 I got in contact with her. We had a phone conversation.  
10 I indicated to her that we had a position for a Director  
11 of Public Affairs, would she come back and work. She  
12 indicated to me that she would not work with SIGIR if  
13 Denise Burgess were still employed in the Public Affairs  
14 division because there had been a finding in the  
15 organization that Denise had conducted herself in an  
16 unprofessional manner and had harassed Kris Belisle.

17 And Kris Belisle reminded me of that and I was  
18 aware of that because I had read the file in which  
19 Ambassador Robin Raphael had counseled Denise Burgess for  
20 her unprofessional conduct with Kris Belisle. So I was  
21 aware that there was a personality conflict between the  
22 two of them and Kris informed me that the only conditions  
23 under which she would come back to work for SIGIR or if  
24 she was not working with Denise Burgess and I agreed and  
25 I said that she would not be working with Denise Burgess.

1 And I asked her to forward her resume and she forwarded  
2 her resume and I forwarded that to Nick Arnston, who was  
3 the Chief of Staff and asked Nick Arnston to begin  
4 processing the paperwork to bring Kris Belisle on. And  
5 my understanding is, I think Kris's first day was  
6 Tuesday.

7 THE INVESTIGATOR: I got to -- clarification.  
8 You're saying Monday, Tuesday. Is it the Monday that  
9 you --

10 THE WITNESS: The Monday that I notified --

11 THE INVESTIGATOR: The Complainant that she --

12 MS. BERNARDO: The 23rd of July, I believe.

13 THE INVESTIGATOR: Okay.

14 THE WITNESS: Yes.

15 MR. BARATZ: And how did she come on? Was she  
16 a SIGIR employee or through the contractor?

17 THE WITNESS: We wanted to bring her on as a  
18 SIGIR employee, but because I needed someone literally  
19 the day that I notified Denise that she would no longer  
20 be employed as the head of Public Affairs, I needed  
21 somebody who could immediately work and so the only way  
22 to do that was to bring her on as a contractor, which we  
23 occasionally do. She was brought on as a contractor for  
24 a brief period of time, as the paperwork was being  
25 processed to return her to federal employment and so I

1 believe she was on contract for a period of about a month  
2 and then she was converted to government employment.

3 MR. BARATZ: And why did you need someone  
4 immediately?

5 THE WITNESS: Because my intention was to ask  
6 Denise Burgess to spend that month on administrative  
7 leave. Again, I did not want her to have external  
8 relations on behalf of the agency with the media after  
9 being notified that she would be reorganized out of a job  
10 and so I needed to somebody immediately able to answer  
11 calls from the media.

12 MR. BARATZ: I have no further questions.  
13 Thank you, Mr. Welker.

14 THE INVESTIGATOR: Ms. Bernardo, any additional  
15 questions?

16 MS. BERNARDO: No.

17 THE INVESTIGATOR: Okay. Ms. Burgess, if you  
18 care to, interested in your rebuttal comments to Ms.  
19 Cruz's testimony?

20 MS. BURGESS: I don't have anything.  
21 (Off the record.)

22 (On the record.)

23 THE INVESTIGATOR: We are on the record. It's  
24 3:17. We've been off the record maybe about 10 minutes  
25 as we exchanged witnesses. We have a new witness,